

ROBERT BARNWELL RHETT
SOUTH CAROLINA SECESSION SPOKESMAN

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By
HENRY HARVE FURST

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CHAPTER I

SCENE OF ACTION

The law country of South Carolina produced many men of mark in the politics of the Old South. Robert Barnwell Rhett was one of them. Other South Carolinians of the day—among whom were John C. Calhoun, Robert T. Bayne, James L. Pickens, Hugh S. Leggett, Robert F. Barnwell, and William S. Preston—may have overshadowed him in learning, popularity, and eloquence. But only Rhett could be described as "the most persistent, and consistent of all our secessionists . . . [who] during nearly the whole of his political life . . . openly advocated this separation."¹ When South Carolina seceded in 1860 it could be said of Rhett: "His triumph is more properly and peculiarly his than that of any other man now living."²

Before men to have predicted that the law country of South Carolina should produce the "father of secession."³ The forces which conditioned Rhett for that role were in the process of development in this region long before his birth. The law country—stretching the length

¹*McCurdy's Journal*, III, 2 vols., Library of Congress, I, 7. Rhett's identity is unknown, but it is apparent that he was a colonist who lived in Charleston during the Civil War and had an intimate knowledge of the leading citizens of South Carolina.

²*New York Evening Post*, Nov. 11, 1860.

³This title appears to have been conferred on Rhett in an obituary in the *Charleston Daily News and Courier*, Nov. 18, 1876. It was adopted by Louis Vaila, in *Robert Barnwell Rhett, Father of Secession* (New York, 1901).

of the South Carolina coast, including the sea islands, and extending inland approximately fifty miles through the lower pine belt--was an important economic, political, and cultural section of the state from the beginning of its settlement. This area included, from South to North, the Districts of Beaufort, Colleton, Charleston, Williamsburg, Georgetown, Marion, andorry.¹ This low country "city-state of Charleston" grew from the English settlement at Charles Town in 1670, created upon the ruins of Spanish and French settlements of the sixteenth century. Soon after, there came to this agricultural paradise with the variety of climate and topography--the French Huguenots, Irish, Scotch, Swedes, Germans, and Jews. They came with hope of liberty. Others came because of the long, hot, humid summers and delicious winters, as well as the fertile sandy soil with its dense growth of magnolia, live-oak, cypress, and live-oak pine, and traversed by bays, inlets, and tide-water streams. Few were dismayed by the "paleness" of the colonial natives; they spent the winters in the "pine barrens" of the lower pine belt. One early resident described the desirability of the climate in poetical terms:

I've given a strong Appetite and quick Digestion, nor in it without profitable efforts, see flinging themselves apparently mere lightness, more peace, and more able to all bodily Services, than in England, the same are very fruitful, and the Children have fresh Complexions Complexions.²

¹For an early map of South Carolina see Robert Mills, *Historical Map of South Carolina* (Charleston, 1885). An 1880 map of the state is entitled as Plate I by William A. Cooper, "Sectionalism and Representation in South Carolina," annual report of the American Historical Association, 1906 (Washington, 1907).

²Quoted in Wesley Frank Dawson, The Southern Colonies in the

South-east coast, important cotton law country became a land of black indigo, golden rice, white cotton, and black sugarcane. The resultant economic and social systems had direct relationships to the leadership of the plantation movement by South and North Carolina. Although indigo was a highly profitable crop in the law country during the formative years of the Southwestern and culture, the increase in the output in the East Indies, together with an invasion of the American fields by a destructive caterpillar a decade or two before the end of the eighteenth century wrecked the industry in Carolina, Georgia and Louisiana alike.⁶ South Carolina's other two staples, however, continued to bring profits.

From a beginning made late in the seventeenth century with a few seed from Madagascar, "the best rice in the world" soon became the "principal staple production of South Carolina."⁷ By 1820, when South was fighting anti-slavery legislation in Congress, the law country slave-estate owners were producing sixty-seven million pounds per year, or over two-thirds of the nation's rice crop. Other staples might suffer from competition, but "the rice region was the happy land of

James Osgood Barker, 1600-1680 (Oxford House, 1914), 209. For details of the settlement of South Carolina see David James Wallace, The History of South Carolina, 3 vols. (New York, 1914), I, 25-26.

⁶Walter B. Phillips, Life and Labor in the Old South (Boston, 1897), 124.

⁷J. E. S. Innes, The Indigo and Rice Crops, etc., of the South and Eastern States, 3 vols. (New Orleans, 1857), II, 385-387. Edward Everett, Seed from Madagascar (Chicago N.Y., 1921), 3-14, gives a more detailed but extremely interesting account of the beginning of South Carolina rice culture. Groves, Caribbean Colonies in the Early South Carolina, 20, says "It is impossible to fix the origin of rice planting to any specific date."

South Carolina agriculture. The dyking, etc., made it the rich waste swamp.¹⁸

At the same time, the cultivation of cotton was not neglected. Although cotton was not established as a staple crop until long after profits were pouring in from indigo and rice, it was to become the leading crop of the low country and, more important, of the entire South. Cotton was produced in small quantities for home consumption in the colonies, but did not become a major crop until after the American Revolution. There is mention of the growth of cotton in South Carolina as early as 1684,¹⁹ however, the amount of labor required to separate the seed from the lint of the short staple variety made it an uneconomical crop. Cotton became King in the low country with the introduction of "the Island" cotton from the West Indies into Georgia and South Carolina about 1790.²⁰ The best "the Island" cotton, which has gleamy

¹⁸Waller, *History of South Carolina*, III, 5, states that "between 1680 and 1700 about 100,000 of planters each valued 20,000 pounds or over there were left in South Carolina, eighty-eight in Georgia, and twenty-five in North Carolina. Almost everywhere was talking of her superior conditions. But in 1700 South Carolina rice took first prize in Paris, and in those of glass we congratulated ourselves that of this crop at least we could forever almost retain a monopoly."

¹⁹Barry Walter Brown, *Cotton* (New York, 1940), 21.

²⁰Ibid., 22, gives 1790 as the date of the first attempt to grow "the Island" in South Carolina, and says, "a successful attempt at growing the Island was made near Charleston in 1790 by William Miller." W. H. Johnson, *Cotton and the Revolution* (London, 1938), 40, gives 1790 as the date the variety was introduced into Georgia. A. H. Merrill, et al., *American Cotton Handbook* (New York, 1941), 3, details the first successful planting in Georgia in 1790. Phillips, *Slavery and Labor in the Old South*, 21, gives 1790 as the date of the receipt of "the first seeds" in Carolina. Nelson, *Industrial Revolution*, III, 1, 121, says the first crop was grown in South Carolina in 1790 but small amounts were grown nine years before.

black seeds easily removed by hand or roller gin, plus a "filch" of 2 inches or even more in length, and surpassed all other types of cotton in length, strength, and fineness.¹¹ could be grown only on the islands and mainland along the coast of North Carolina. There was the perfect answer to the dying textile industry. This finch of flinty fibers, suitable for expensive linen and cambrics, thrived in the salt air and sandy island soil, which was avoided for this because of the danger of fresh-water streams.¹² By 1773 many planters were switching from Indigo to long-staple cotton, the numerous points of which soon "were sited in the accumulation of some of the largest fortunes in North Carolina."¹³

Simultaneously, interest developed in the production of other varieties of cotton in the uplands of North Carolina and other southern states. It was not, however, until after Eli Whitney patented the gin that the production of short staple fibers made cotton all powerful in the economies and politics of the South. In 1791 North Carolina grew three-fourths of the ten million pound cotton crop of the United States; ten years later she produced half of the forty million pound crop; in 1821 the state still led the South with fifty million of the total yield of 277 million pounds; but by 1833, when Scott and his state were entangled in the nullification controversy, North Carolina

¹¹Lawson, Cotton and Its Production, 43.

¹²A slightly inferior grade of Sea Island, it was later also raised, could be grown in southern Georgia and northern Florida. Ibid., 44-45; ibid. and later in The Old South, 91-97.

¹³Lawson, Industrial Progress, 136-7, 141.

extended for only twenty-three of the 125 million pound total.²⁸ The Island cotton, which comprised most of the yield of North Carolina and Georgia prior to 1795, continued to increase in yield and profits for several years before it lost out to the short-staple varieties. In 1808 almost nine million pounds were exported. Production—except in 1806 under the Embargo act and during the War of 1812—continued at an almost constant level until after 1820, when it showed considerable fluctuation. In 1821, just when Slade was showing the first signs of leadership in the resistance to the protective tariff, the production of Sea Island cotton reached the all-time peak of fifteen million pounds. After 1830 the yield levelled at about eight million pounds a year for a few years, and, then, because of high costs of production and low yield per acre, dropped by 1851 to slightly over six million pounds.²⁹

Indigo, rice, and cotton made the progress of the Negro slave central to the Carolina culture:

²⁸ibid., 183.

²⁹ibid., 179-180, goes on to quote Whitworth Beckwith of North Carolina in 1841: "From the time when long cotton was first introduced into this state, to within a recent date, its cultivation was steadily profitable. No legal interest on the capital of the grower is rarely ever realized. From 1821 to 1830 inclusive, the aggregate crop was 107,474,130 lbs. In the two succeeding years it was only 72,461,574. . . . The average annual product from 1805 to 1815 . . . including the four years of the embargo and the war, was greater by 795,000 lbs. than it has been for the last nine years, or since 1838. . . . Under the operation, therefore, of increasing and decreasing exports, with a vast augmented population of the World—extraordinary improvements in machinery—greater skill and cheapness in spinning and weaving—lower duties on the importation, and the increasing population of the South at present island, the value of long staple cotton is less now than it was thirty-five years ago."

It was his labor which made possible the golden age of the Low Country. For better or for worse our culture in South Carolina is bound up with the Negro. The Negro made us his broad shoulders. He taught that our fathers might estimate literature and the arts. . . . This statement holds true for all of South Carolina except, perhaps, the mountains, but is especially applicable to the Low Country.¹⁶

The Negro slave made the plantation possible, but "in the old days the plantations gave the Low Country."¹⁷ With a population of 146,174 whites and 127,094 slaves, South Carolina had in 1790 comparatively more slaves than any other state. Yet, this ratio had been reduced somewhat by the fact that "a greater loss in slave property was incurred by this state during the revolutionary war, and was, comparatively speaking, about three times as great as that met with by Virginia."¹⁸ By 1800 the ratio had not changed appreciably; slave population had increased to 144,121 and free white population to 146,795.¹⁹ The total number of slaves in South Carolina, however, does not indicate the extent of dependence of the Low Country economy on slave labor. By the turn of the century the plantation system had not reached into the middle and up country as it did with such significance later. Rather, "at the close of the last century [1800] two-thirds of the slaves had concentrated of the wealth and only about one-fifth of the white

¹⁶Stephen J. Hitting, "Introduction," Journal of the Hist. & Soc. (Columbia), 1940, 3.

¹⁷Robert Samuel Ross, "The Low-Country," The Carolina Low-Country (New York, 1914), 14.

¹⁸Ibid., Industrial Resources, Chap. II, 100.

¹⁹Second Census of the United States, 1800 (Washington, 1861),

population of the State were possessed by the low country.¹⁰

The impetus given by the cotton gin to the spread of the cotton culture over all of South Carolina, and, for that matter, over the entire South, resulted in a tremendous increase in the number of slaves in the middle and up country. At the same time, the slave-white ratio in the low country remained high. In 1850, of a total population of 496,308, there were 271,715 slaves—slightly over fifty-one per cent. Over one-half of the slaves, but less than one-fourth of the free population, lived in the seven low country districts. Excluding the two sparsely settled northwestern districts of Marion and Perry and the city of Charleston, slave ownership was even more concentrated in the southern low country, where over forty-five per cent of the state's slaves but only eleven per cent of its free population lived. In the districts of Beaufort and Dillon—where Sumter's strongest support lay throughout his career—the ratio of slaves to whites was over six to one.¹¹ It was quite appropriate that the largest slaveholder of

¹⁰Shaper, "Institutions in South Carolina," *loc. cit.*, 251.

¹¹Fourth Census of the United States, 1850, 2d. 1 (Washington, 1851), 26. Although slight among the slave holding states in aggregate number of slaves in 1850, South Carolina was still the most aristocratic society in the South. The ratio of slave population to free was the highest of all the states. Fifty-seven per cent of the population was slave; Mississippi was second with fifty-five per cent. Furthermore, South Carolina slaves were held in relatively large plantations. 100 South Carolinians owned more than 500 slaves each; only 115 held as many in the remaining slaveholding states. Eight South Carolinians owned 700 or more slaves; only seven persons in the rest of the South held as many. However, the low country had well over thirty-seven per cent of the slaves, but only twenty-four per cent of the white population of the state. The average ratio of slaves to whites among the seven low country districts was over two to one; in the northwestern of these districts the ratio was still five to one. Eight Census of

the day should live in the South Carolina law country. In his fourteen articles, including the famous "Bill Beyer" and "How Bill," Richmond reported had NOT slaves at his death in 1851.²²

Thus, the ante-bellum law country became a region of paternal plantation homes with furnishings of romance and nostalgia, and was ruled by an aristocracy of planters, politicians, lawyers, and doctors, whose country was predominantly English and French Huguenot. Among these groups the planter was the only of all a favorite figure was:

All I seek in this creation
Is a pretty little city
and a big plantation.²³

The sons of this agrarian aristocracy were educated in the classics and professions at the best American and European universities. The daughters were trained in the arts and social graces. There was leisure—not only for arts, country, and politics—but for horse-racing, breeding, dancing, and drinking.²⁴

Into this stronghold of Southern slavery Robert Barnwell Rhett, whose name was later changed to Rheth,²⁵ was born at Beaufort, Beaufort

The United States, 1860, Population (Washington, 1863); Samuel Eaton, A History of the Old South (New York, 1867), 368; Wallace, History of South Carolina, III, 901.

²²Phillips, Life and Labor in the Old South, 255; Hayward, Lord Byron's Ancestors.

²³Quoted in Robert H. Taylor, Ante-bellum South Carolina: A Social and Cultural History (Shapel Hill, 1967), 7.

²⁴Ibid., 51-52; Francis Butler Steiwe, The South, Old and New: A History, 1670-1867 (New York, 1953), 66.

²⁵An account of the change of name in 1857 appears below.

25, 1800. His father, James Smith, was a descendant of the famous Lindgren Smith, who was credited with introducing rice into the state, and Colonel William Smith, an early private-fighting hero. James Smith studied law in England, where he remained until he was about thirty years of age, when he returned to South Carolina to become an unsuccessful rice planter. All accounts mention his interest in books and his accomplishments as a scholar, but point out his failure as a planter. The author, Benjamin Sough, was the only child of Captain Richard Sough and Elizabeth Barnwell, who apparently separated after a brief marriage.²⁶ Smith wrote of his ancestry:

We are descended from Sir John Deane [sic], one of the Lords Proprietors and one of the first Governors of South Carolina, and the founder of the present city of Charleston; from Gen. Lindgren Smith, from Col. Wm. Smith, at the time of his death appointed Governor General of the Indians in Louisiana; and from Col. John Barnwell who defeated the Tuscarora Indians. In the Revolution of '76, our father, through a mere boy of 17, fought the siege of Fort Mifflin, and was near killed when he fell; he served at the siege of Charleston, and was once a prisoner of War, on the capture of the city.²⁷

Robert Barnwell was the eighth child, and fourth son, of a large family.²⁸ Some time before he was seven years of age the family, in an attempt to rescue the fortunes, moved to Brunswick County, North Carolina, where an uncle, Benjamin Smith, was a highly successful rice

²⁶Ellis Smith looks to Lewis White, Robert Barnwell Smith Papers, in possession of 1708 Smith, Charleston, South Carolina; White, Robert Barnwell Smith, 5; Isaac Wood Loughlock, "Barnwell Family," in 11307, Southern Library.

²⁷Charleston Daily Mercury, Sept. 25, 1801.

²⁸White, Robert Barnwell Smith, 5, says there were 12 children; Loughlock, "Barnwell Family," gives the number as 17.

slender.¹⁹ Young Barnwell, however, resided in Beaufort with his grandmother, Elizabeth Leach, who has been described as "the most romantic figure of the earliest days."²⁰

North's Birthplace, the "capital of the sea islands,"²¹ situated on Port Royal Island at the head of the Port Royal River, was the principal town of Beaufort District. The town had the honor of having been the site selected for the first English settlement in 1670, but was abandoned after a brief visit because the site of Charleston was safer from attack by Spaniards. The first permanent settlement made in Beaufort was about 1700.²² Although "the town of Beaufort was one of the most desirable residences on the sea coast of South Carolina,"²³ the official population in 1800 was only 275 whites and 421 slaves.²⁴ The actual population, however, was probably considerably higher. One historian, though ignorant of the 1800 census of 1797 inhabitants, estimated that the population was about 2000 in the

¹⁹Miss North lends to Louis White, North Square (Charleston) 7416, Robert Barnwell Hardy, Jr. "Miscellaneous book file 8," 80 (young friend of Ed. Stange of name), South Carolina Historical Commission, Columbia, indicates that Barnwell was born in South Carolina, but that Edward White, who was seven years younger, was born in North Carolina.

²⁰Jessie, "Beaufort Legends." The house, known as the "Barnwell House," and according to Jessie, "furnished after the English style," still stands but is in very poor state of repair.

²¹Taylor, Inter-Colonial South Carolina, 17.

²²Wells, History of South Carolina, 245-246.

²³Richard B. Sewall, Sea Island Society, Pamphlet, University of South Carolina Library.

²⁴General Census of the United States, 21.

owner and less than half that in the winter.³⁵ Many of the owners of surrounding rice and cotton plantations, especially from St. Helena Island, had summer homes in Beaufort. The total population of St. Helena Parish, including Beaufort, was 516 whites and 3078 slaves.³⁶ Beaufort, a village of some of the most aristocratic of the low country gentry, was distinguished throughout South Carolina for the learning and culture of its citizens.³⁷ It was described by a passerby as

a picturesque town composed of an assemblage of villas, the summer residences of numerous planters, who retire here during the hot season, when the interior of South Carolina is unwholesome for the whites. Each villa is shaded by a veranda, surrounded by beautiful live oaks and orange trees laden with fruit, though with leaves slightly tinged by the late severe frost.³⁸

It was in this culture of manual education, distinguished country, and magnificent homes, supported by profits from the labor of hundreds of black slaves in fields of prime cotton and rice, that South spent the formative years of his youth. Although little in known of his life until after he entered public office, he wrote years later: "I was born in the State, in the town of Beaufort, and never had seen any other than a Carolina one, rice or not, until after I was fifteen years old. All the school or college education I ever received,

³⁵John Griffith Johnson, A Social History of the Sea Islands (Chapel Hill, 1934), 119.

³⁶General Census of the United States, 22.

³⁷Johnson, A Social History of the Sea Islands, 119.

³⁸Mr Charles Smith, A General Treatise on the United States, 2 vols. (London, 1827), I, 398.

I obtained in this State."³⁹ That education apparently consisted of attendance at the so-called College of Hartford during the years that he lived in Hartford. In 1863 he went down to Falmouth, the colonial teacher who taught at Hartford from 1809 to 1811,⁴⁰ on his "tour to England."⁴¹

Hartford College, founded by legislative enactment in 1775, had a liberal sentiment which "enabled its trustees to offer an excellent education at an almost nominal cost."⁴² According to one account, the list of the first trustees "read like a scroll of Hartford's most illustrious men."⁴³ Plans for the school included a primary school "where children of the tenderest age" were to be taught "the elements of their native tongue, to spell, to read, to write, and arithmetic as far as rules three;" that there was to be a grammar school offering "arithmetic, so much latin as to read Cicero and Virgil and Greek enough to understand the New Testament;" Finally, when a student had completed the preparatory course and was accepted on the college level, languages were to occupy most of his attention. Among the other areas

³⁹ Charleston Daily Mercury, Sept. 25, 1891.

⁴⁰ James Wilson (ed.), History of American Mayors, 20 vols. (New York, 1916), XIV, 511; "Journal of the Proceedings of the Trustees of the College of Hartford, 1775-1800," M, Hartford Library.

⁴¹ Charleston Daily Mercury, April 20, 1863.

⁴² J. A. Johnson, "Hartford and the Sea Islands, Their History and Traditions," M, No. 14 in T. C. Mason Collection, Charleston Library Society, M.

⁴³ Edward E. Turner, "The College of Hartford with a Glance into the Background," M, Hartford Library.

of study mentioned, however, were geography, English grammar, rhetoric, composition, philosophy, physics, mathematics, hydrostatics, optics, astronomy, chemistry, meteorology, political economy, jurisprudence, and theology.¹⁴ It is not clear how many of the intended courses were actually offered before difficulties of obtaining a satisfactory president and teachers led to a change in plans. At any rate, long before Clark could have profited from the college curriculum planned, an academy was established on the highest level of Sanford College.¹⁵ One study of the history of the school led to the conclusion:

If the Institution ever did function as a college, it could not have lasted but three years, because the college idea was actually given up in 1837, and an academy was established. . . . The trustees show that the trustees labored diligently to raise the Institution to the dignity of a college, but as far as can be ascertained it never did function as such. The academy, however, was one of the best in the state. . . . Perhaps in no other section of the state of South Carolina . . . was more effort made in behalf of education.¹⁶

The course of study outlined for the academy by the board of trustees offered six years of training in the classics and English. The first four years were devoted largely to the rudiments of spelling, reading, writing, arithmetic, Latin, and Greek. The fifth year seems to have concentrated on "Clark's Lectures," and the sixth year on "Clark's [and] Elements of Criticism" and "Highland's Letters on History." The curriculum specified that "immediately before preparing in the

¹⁴Journal of the College of Sanford.

¹⁵ibid.

¹⁶Robert Smith Bailey, "A History of Education in Sanford County up to the Civil War," unpublished B. A. thesis, University of South Carolina, 1937, 25-26.

afternoon two or more boys shall speak publicly in their respective schools.¹⁴⁷

Although it is not known how long North attended the academy or when he left to join his parents in North Carolina, the description seems safe that he arrived at Hartford, not only a high regard for the slave culture of his new country, not an intense interest in the theories and even basic training in public speaking. There is some less evidence that he, of his own volition or under the tutelage of his father, pursued his study of the liberal arts after his departure from Hartford. A sketch of his life published in 1881 testified, however, that he did continue his studies: "Mr. North received a private education of the most thorough and varied description, and at the age of sixteen commenced, under written instruction from Mr. Thomas Grimes, of Charleston, S. C., to prepare for entering the bar of that state."¹⁴⁸

Upon being admitted to the bar in 1821, North began the practice of law at Georgetown, Hartford District, where it was claimed that "he gained considerable reputation for his forensic efforts."¹⁴⁹ He became a member of the Charleston bar in 1822,¹⁵⁰ and formed a partnership the following year with his cousin, Robert S. Barnwell, in Baltimore,

¹⁴⁷Journal of the College of Hartford."

¹⁴⁸See New York Times Frank Leslie's Illustrated Newspaper, Feb. 7, 1881.

¹⁴⁹Ibid.

¹⁵⁰John Robert Crenell, Biographical Sketches of the Judges and Bar of North Carolina, 2 vols. (Charleston, 1881), II, 603.

Colleton District, where he was said to have "established a lucrative legal business."⁵¹

During these years of education and professional beginnings young Smith was not only subjected to the environmental factors of the most concentrated slave culture of the entire South; he also was formative political opinions during a period of significant transition in South Carolina political attitudes.

In the early colonial period, prior to the settlement of the up country, the "white-state of Charleston" planting and commercial interests had been unchallenged rulers of the state. After the success of white-state farmers from Pennsylvania, Virginia, and other colonies, as well as from Germany and Scotland, began to fill up the middle and up country during the mid-eighteenth century,⁵² there was a growing political conflict between these sections and the low country. The issue was drawn for years of political battle when the General Provincial Committee met in 1773; it was the first legislative body in South Carolina "in which the back country had representation."⁵³ There was strong up country opposition to the exportation of slaves from the Slave Exportation Act by the Continental Congress. The "system and conference" which is a compromise plan which was carried by a vote of eighty-seven to seventy-five. Although circumstances prevented use of the plan, "its adoption secured the harmony so essential to the

⁵¹New York Frank Leslie's Illustrated Newspaper, Feb. 7, 1881.

⁵²Wells, History of South Carolina, II, 33-45.

⁵³Ibid., 127.

revolutionary movement."²⁸

Following the Revolution, the conservative law country was able for several years to maintain its dominance over the more populous middle and up country, where there was growing support for Jeffersonian democracy.²⁹ Thus, the leadership was so strongly Federalist in sympathy that a student of the history of the period would conclude

From 1788 on no state gave more loyal support or co-operation to Congress than South Carolina with the acceptance of the Treaty of 1793 and the complete ratification of the Revenue Plan of 1795. A fresh token of the Federalism was given to the country by the strong delegation which it sent to the Constitutional Convention of 1787 which was composed of John Rutledge, Charles and Charles O'Garraugh Pinckney, and Pierre Beatty, . . . In 1787 it is doubtful that any other state had so many able leaders who were so unanimous in their desire to support the efforts of the Constitutional Convention to bring into being a strong government which would solve the pressing political, economic, and social problems of the day.³⁰

Under this strong leadership of the law country and the system of inapplicable representation of the sections, South Carolina ratified the Constitution, but not without a fight. In the ratification struggle the old sectional strife flared up with renewed bitterness. In the debate in the legislature on calling a state ratification convention, Rufus Lawson—who, although from Colleton District, was the leader of the opposition to ratification—closed his final speech by saying that he wanted no splash other than: "Here lies the man that

²⁸ibid., 118-119.

²⁹John David White, The Roots of Jeffersonian Democracy: High Social Origins in South Carolina (Columbia S.C., 1947), 1-25.

³⁰Charles Craig Hays, South Carolina in the Confederation (Columbia, 1961), 146.

opposed the Constitution, because it was welcome to the liberty of America.⁴⁷ Elliot was to recall this episode many years later,⁴⁸ although the low country Federalists, led by Charles Pinckney, carried the call for a convention unanimously. They were able to locate the convention at Charleston only by a vote of correspondence to correspondence. After only a week of debate in convention, the Constitution was ratified by a vote of 149 to 73.⁴⁹ Analysis of the vote by sections of the state, however, led one historian to comment:

The key to the vote of South Carolina on the constitution lies in the antagonism of sections. . . . In no other state was there greater division on both sides than in South Carolina, and it exposes the strength of the political hostility between the lower and the upper society that it was able to keep the issues as they appear to the vote going so many diverse nationalities and clashing interests.⁵⁰

Although the low country was able to maintain the control of the politics of the state for many years, the voice of democracy was growing stronger. The state constitutions of 1790 and 1795 made some changes to the middle and up country in representation. In 1795 the low country lost the title of the capital to the up country sector of population, which was given the new Columbia the legislature first

⁴⁷ Jonathan Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution, 3 vols. (Philadelphia, 1891), IV, III.

⁴⁸ See the 1869 Greenville speech below.

⁴⁹ Elliot, Debates on the Constitution, IV, III, 360.

⁵⁰ John Owen Miller, The Geographical Distribution of the Vote of the Southern States on the Federal Constitution, 1787-8 (Baltimore, 1964), 42-43. The South Carolina vote was: low country 882 for and 125 against; middle, 125 for and 215 against; up, 105 for and 105 against.

not there in 1790.⁴² However, from 1784 to 1790 there was strong agitation for a new constitution, culminating in the constitutional convention of 1790. According to Wallace "the unhappy conflict of upper and lower country, dating as a definite movement from the 1780's, was to reach its culmination in 1790 as a bloody crisis. . . ."⁴³ The victory of the low country was secured again, however, when the legislature decided that apportionment of delegates for the convention should be the same as that in use in the legislature. Thus, the low country had a decisive majority in the convention. Before, nevertheless, war could be truly said to have been confused and violent, brawling bitterness on the location of the permanent capital. Defections and absences among low country delegates gave the up country a vote of 102 to 105 for locating the seat of government at Columbia. Even on this question, however, a compromise was worked out which provided for a dual system with certain offices in Charleston. But on the all-important question of apportionment of representation in the legislature the low country achieved triumph. A permanent plan of representation was established which gave the low country majorities in both houses of the legislature. Property and residence requirements for members of the legislature added to the low country advantage, and the legislature was composed of those all other state and local officers. Unsurprising features of the new constitution resulted primarily of the situation

⁴²David Ramsey, *The History of South Carolina*, 2 vols. (Charleston, 1809), II, 430-432.

⁴³Wallace, *History of South Carolina*, II, 165; Atwater, "Constitution in South Carolina," *Ann.*, 1917, 378-380.

of pragmatism and the establishment of religious equality instead of the previous exception toward Protestants.⁶³

Schaper commented as follows on the implications of the 1790 constitution:

What a flood of light the local situation in the state threw upon the character and the political theories of William Pink experiment led ultimately to the theory of the government existing. The absolute power of the majority must be vested, else the two civilizations could not exist under the same government, for the free society would always have the advantage in numbers. It was bound to be so. This fact implied the ultimate extinction of slavery and of the slave society that rested on it, unless the force of numbers should be in some way restricted.⁶⁴

He might have found an even stronger influence, both direct and through Johnson, on South. Needless to say, the constitution of 1790 was not submitted to a popular vote. Nevertheless, it "provided South Carolina with just the government which her ruling classes were satisfied she needed; and, whatever may have been the errors or shortcomings upon which it was founded, under it, and largely by means of it, the aristocratic republic obtained a phenomenal influence and distinction among her sister states."⁶⁵

The low country had made some concessions in order to still the protest against mastery of the state by one-fifth of the white population; but protest of the masses was not so easily related-emotionalism continued strong. The publication of the first census of the United

⁶³Wallace, History of South Carolina, II, 583-585; Schaper, "Sectionalism in South Carolina," ibid., 585-586.

⁶⁴Schaper, "Sectionalism in South Carolina," ibid., 586-587.

⁶⁵Wallace, History of South Carolina, II, 585.

States provided Federal support of the up country argument that the system of representation in South Carolina was a perversion of democratic principles. A statewide reform association was organized under the leadership of Robert Goodwin Harper. The association published "An Address to the People of South Carolina" and a series of letters signed by "Oxygen."⁴⁶ These documents spelled out the inequalities of the system of representation under which a few hundred low country planters ruled the entire state, and presented strong theoretical arguments for representation according to population.⁴⁷ Henry William Decatur, whose niece was to become Mrs. Harb, published the low country reply: that the rights of an established property holding minority must be protected against depredations by hordes of newcomers who constituted the majority. He argued that rule of the state by the up country majority would result in freezing the slaves and consequent ruin of the low country plantation economy. He could cite no precedents for the principle of low country control, the three-fifths rule of the United States Constitution and the fact that no state in the South followed the principle of apportioning representation according to population. Most significantly, Decatur made a veiled threat of secession of the low country if the up country should gain control of the state, and suggested that bloody civil war might result from discussion of the question.⁴⁸ Subsequently, Harper proposed a

⁴⁶Harper, "Sectionalism in South Carolina," loc. cit., 400-413.

⁴⁷Ibid., 414-415.

compromise plan which provided that neither the up country nor the low country should have a majority in the legislature, but that the balance of power should be held by the middle country. The low country, however, was not ready to yield control. Agitation continued, with little result, until 1800, when a special session of the legislature adopted almost unanimously an amendment to the 1790 constitution distributing representation on the basis of population and taxes.⁴⁸ Othman later cited the arrangement as a happy compromise growing out of a national conflict:

The government,--instead of being, as it was under the constitution of 1790, the government of the lower section,--now becoming, subsequently, as it must have become, the government of the upper section, and numbers constituted the only element,--was converted into that of the concurrent majority, and, hence, emphatically, the government of the entire population,--and the whole people of South Carolina voted out of one portion of the people over another portion. The consequence was, the almost instantaneous restoration of harmony and concord between the two sections.⁴⁹

Confining the low country to its traditional boundaries and considering the rest of the state as up country, the 1800 compromise did give the latter a majority in both houses of the legislature. For the spread of cotton and already begun to assimilate much of the middle country and even of the up country into the low country culture.

William Claiborne:

Not only had slavery won the middle country completely and laid the hands powerfully on the upland hills, but the

⁴⁸ Ibid., 415-425.

⁴⁹ Richard L. Strick (ed.), A Constitution on Government and a History of the Distribution and Government of the United States by John A. Wilson (Columbia, 1911), 12.

old conservative sentiment that had firmly lived in a few minds under the inspiration of the philosophical liberalism of the Revolution was practically dead; the economic motive which had been doubtless the stronger, had reversed its direction. . . . There to show slavery was an economic necessity no longer had reason to fear attacks from within the State.⁷⁰

Even a remedy, at least upon matters relating to the distribution of a slave country, was obtained which was highly significant in South Carolina's leadership of the resistance movements of nullification and secession. /Could the conservative majority principle have been applied to the entire country as it was to South Carolina, it is possible that the Civil War could have been circumvented. /But the nation was unlike South Carolina, where "the conservative majority principle was a reality . . . because the minority, originally a distinct community having political power completely in its control, kept possession of it until it had won over the majority to its interests and its institutions."⁷¹

While South Carolina's low country leaders were taking their fresh line position in battle for a strong federal government and, at the same time, fighting a rearguard action to maintain their aristocratic institutions at home, they were not oblivious to the threat of the increasing might of the young and virile free-labor industrialism of the North. Hardly had the new government of the United States gone into operation, when South Carolina's Congressional delegation took a

⁷⁰Wallace, *History of South Carolina*, II, 373-375. See *Notes III* in Schuyler, "Sectionalism in South Carolina," *loc. cit.*, for the spread of the black belt into the middle country and up country from 1790 to 1850.

⁷¹Schuyler, "Sectionalism in South Carolina," *loc. cit.*, 137.

stand which the state was to maintain with only a few deviations until its new flag, under South's leadership, seventy years later to break the ties with the union. In the first session of Congress the South Carolina delegation made the first of the state's long series of protests against high import duties for protection of home industries. In the House, Harlingen Foster expressed at length his inability "to imagine with what propriety any gentleman could propose a measure big with oppression, and tending to burden particular states."²¹ Congressman William L. Smith added:

It is believed that the inhabitants of the interior part of South Carolina are opposed to the new Government; it will be a satisfactory circumstance to ascertain themselves, at this time, among the shades of discontent, yet no stronger language could be given for opposition than the proposed tax. . . .²²

In the Senate the attack of James Butler, former delegate to the constitutional convention, was even more bitter and prophetic of things to come. The reaction of Senator William Butler of Pennsylvania to Butler was not unlike the response of Southern congressmen to South fifty years later:

A new phenomenon had made its appearance in the House since Friday. James Butler, from Carolina, had taken his seat and flamed like a volcano. He denounced the whole Import law, and then charged (indirectly) the whole Congress with a design of oppressing South Carolina. . . . Butler flamed away, and threatened dissolution of the Union with regard to his State, as early as had ever in the Government.²³

²¹ Journal of Congress, 1 Cong., 1 Sess., 1811.

²² Ibid., 1811.

²³ The Journal of William Butler (New York, 1887), 49-51.

Although the early low country leadership of the state was strongly Federalist, it is doubtful—as indicated in the national vote in the constitutional ratification convention—that the majority of the white population of the state ever supported a strong Federal government. With the growth of the constitutional reform movement in South Carolina the party of Jefferson gained adherents. Wolfe finds that the struggles over representation were "a part of the larger Jeffersonian movement. Clearly the roots of Jeffersonian democracy in South Carolina were deeply imbedded in the local culture."¹⁵ Important in the progress of the party were the defections of outstanding low country aristocrats from the Federalist forces. Most notable among these was Charles Pinckney—delegate to the constitutional convention, leader of the ratification forces in South Carolina, owner of the leading Federalistic *Times* and Charles Oromerth Pinckney, and "four times elected Governor between 1789 and 1804." Other outstanding leaders who became Republicans were James Butler, Edmund Rutledge, and John Moultrie. Thomas Butler was "the typical low country Republican."¹⁶

Early signs of Jeffersonian leanings in South Carolina were notable. Among them were opposition of all the Congressional delegations, except William L. Smith, to the first part of the United States session of the South Carolina legislature in calling upon the United States Senate to open its sessions in the public early morning of

¹⁵Wolfe, Logic of Jeffersonian Democracy, 5-6.

¹⁶Wallace, History of South Carolina, II, 379-380.

both South Carolina citizens toward the French Revolution, and influenced public demonstrations in opposition to the Jay Treaty. In the first national test of the two parties in 1796, South Carolina chose "Jeffersonian" electors, a Republican governor, and a congressional delegation evenly divided. Clearly the party of Jefferson was rapidly gaining control of the state.¹⁷ In 1800 a Republican majority was elected to the legislature in spite of questionable voting procedures on the part of the Federalists and the fact that Charles Cotesworth Pinckney was the Federalist candidate for the vice-presidency, as had been Thomas Pinckney in 1796. After considerable confusion in the legislature a complete slate of Jeffersonian electors was chosen. According to Willson, "The die was cast. Federalism was put to rest itself vigorously among the Charleston merchants and the great coach and stage planters; but forces as yet not fully manifested were to bind South Carolina more and more strongly in national politics to Jeffersonian principles."¹⁸ After the retirement of John Calhoun in 1805 the state no longer had strong Federalist leaders. By 1806 all Congressional districts were Republican, with only a few remaining local offices and seats in the legislature held by the Federalists.¹⁹ Thus, it may be said that South was born and bred to a Jeffersonian tradition.

¹⁷Willis, Birth of Jeffersonian Democracy, 9.

¹⁸Willson, History of South Carolina, II, 217.

¹⁹For a thorough treatment of the growth of the Republican Party, see John Bartholomew Willson, Jeffersonian Democracy in South Carolina (Baptist B.V., 1893).

superseced upon aristocratic institutions.

In 1850 Jeffersonianism was strengthened further in South Carolina by a constitutional amendment giving suffrage to all white male citizens of the age of twenty-one—the last important democratic constitutional gain in the state until after the Civil War. In the same year the state made significant change in its leadership: "The second decade of Jeffersonian democracy was tremendously influenced by the activities of the group of young and vigorous Republicans sent by South Carolina to the Twelfth Congress."⁵⁰ Four of the state's delegation constituted probably the most masculine group of "the Union" from any state. South E. Williams, who had been strong in his advocacy of war with England during the two previous congresses, was returned. The three young men who joined him in insistence upon war were even more vigorous. They were Langdon Chesco, thirty-five years of age, born in the up country district of Abbeville but a resident of Charleston; William Lowndes, twenty-nine, son of Nathan Lowndes, from Charleston District; John G. Gilman, twenty-nine, the son of an opponent of nullification, and the only representative of the up country among the three. Public opinion in South Carolina was strong in the support of the aggressive attitude of the newly found leaders, and greeted the War of 1851 with enthusiasm.⁵¹ Although there was a slight resurgence of Federalism in the elections of 1851 in South Carolina, the

⁵⁰ ibid., 511.

⁵¹ ibid., 511-512.

Republican solidified control again after the war.

The war had produced a new kind of Republican. But the older trend toward sectionalism in South Carolina was too strong to be easily replaced by the new nationalism. According to Wells, the aggressive young Calhoun, Sumner, and Lincoln attempted to continue the nationalist task of the state by claiming a glorious victory, by continuing to preach patriotism, and by actively supporting the nationalist measures of the federal government. After the heat of the war died down, however, the people of the state began to question whether a predominantly agricultural section could be served best by encouraging centralization of a government in which they would be outnumbered almost entirely in both houses of Congress. With the realization that the tariffs and other policies of such a government might discriminate against the South's slave economy, "an explicit answer was soon given against nationalism, although a few leaders seemed a little slow in discovering it."⁴¹ S. W. Higginson, on the other hand, believed it "seemless to suppose that the War South had a consciously national program. . . ." He thought the War of 1811 only aggravated sectional animosities. Furthermore, he contended that Calhoun's aim was merely to bring the war about and wish all national power or later acknowledgment his enemy.⁴²

Whatever the philosophical basis or the political motives, there was a clear and present preservation of sectionalistic action in the

⁴¹Wells, *Birth of Jeffersonian Democracy*, 34-45.

⁴²Samuel W. Higginson, "Calhoun, 1811, and After," *The American Historical Review*, LXXI (1955-1956), 704-707.

part of certain South Carolina leaders in Congress. Eight of the state's nine Representatives and one Senator voted for the second Bank of the United States. Of seven Representatives who voted, four were for and three against the tariff of 1816.⁸⁴ Public opinion in South Carolina and throughout the South was far from unanimous in the support of these measures, however the few South Carolina votes for the tariff constituted one-fourth of the "yes" vote by Southern Congressmen, against thirty-six "noyes."⁸⁵ In this respect, Houston believed that,

at the passage of this measure, South Carolina and her representatives who voted for it parted company. Williams himself was severely censured for his part in the struggling and some of his constituents went so far as to charge that he had sold his State for the Presidency. He himself later admitted that even his friends thought he had gone too far.⁸⁶

J. W. Berry, a relative of William Lowndes, was reported to have said to him that the imposition of the tariff "was the worst thing done since universal suffrage."⁸⁷ Berry believed there was no proof "of any strong sentiment in favor of a protective tariff," but thought the Charleston Journal in the opposition to it appeared to exhibit widespread

⁸⁴Journal of Congress, 18 Cong., 1 Sess., 1819, 1820; Public Advertiser, Charleston, 18 South Carolina, 55.

⁸⁵William H. Miller, The Life of John Caldwell Calhoun, 2 vols. (New York, 1912), I, 186-187.

⁸⁶David F. Houston, A Critical Study of Nullification in South Carolina (New York, 1908), 2.

⁸⁷Jr., et. Allen Barnett, Life and Times of William Lowndes of South Carolina (Boston, 1911), 184.

enlisted in South Carolina in favor of protection.⁸⁸ Gilman credited his support of a protective tariff raising Congressional salaries as the major sensitive factor for his unpopularity in his home district at the end of the Fourteenth Congress. It seems likely, however, that his support of the tariff was also a error. In his "autobiography" Gilman claimed that he spoke "with such force, moderation, and wisdom, that the tide was completely turned, and he was triumphantly re-elected."⁸⁹ But his re-election may have been largely because he had three opponents.⁹⁰ At the same time, many members of Congress who had voted for the unpopular protective tariff declined to run for re-election or were defeated. Only three of the nine Representatives from South Carolina were re-elected; in some states none were re-elected.⁹¹

Although South Carolina was not yet ready in 1818 to take a strong stand for or against the policy of nullification, subsequent events soon convinced her to stick with her intransigent lay. By the time Robert Barnwell Rhett reacted adversely the lines were drawn between the North and the South in the intense national controversy over the admission of Missouri. William Lowndes, who barely missed election as Speaker of the House of Representatives in 1805 after the Missouri Compromise, took his stand squarely on the side of the South in the

⁸⁸ Swaine, Life of Gilman, I, 170.

⁸⁹ Life of John S. Gilman (New York, 1843), 13. Cited hereafter as Gilman, Autobiography.

⁹⁰ Swaine, Life of Gilman, I, 170.

⁹¹ Ibid., 170; Gilman, Autobiography, 13.

debate on that question.²² Close upon the heels of the Missouri controversy came the Balch bill for increasing tariffs, which passed the House but was postponed to the next session in the Senate by one vote.²³ Besides and the others of the South Carolina delegation to Congress, with the exception of Representative Erwin, knew that South Carolina stood in danger of legislation ruinous to her slave society. They were reluctant in their opposition to the tariff.²⁴ Strictly, however, "the constitutionality of a protective tariff was not challenged at this time."²⁵

Early had the first session of the sixteenth Congress adjourned when meetings were held throughout the South in opposition to increasing the tariff. In a meeting in Charleston in the Fall of 1859 a committee was selected to draft a memorial to Congress opposing any increase in protective duties. Stephen Elliot of Beaufort was chairman of the committee and Robert T. Byrne was an active member. Although generally impotent in tone, the committee report expressed the opinion that the proposed system of protection for manufactures "departs equally from

²² Theodore S. Arvey, Robert T. Byrne and His Times (New York, 1907), 70-105; Elliot, *Life of S. M. M.*, I, 125-126. Elliot served as Secretary of War, 1857-1860.

²³ *Journal of Congress*, 16 Cong., 1 sess., 471, 475.

²⁴ *Ibid.*, 125-126; Arvey, Byrne and His Times, 125-126; Williams, *History of South Carolina*, II, 171. Lowndes was rewarded in 1861 with nomination by the State Legislature for the presidency at a time when Calhoun was actively seeking the nomination after Lowndes' death the next year, support of the legislature shifted to Calhoun.

²⁵ Charles S. Byrnes, *The Development of Southern Sectionalism, 1820-1860* (Boston Longs, 1902), 13.

the spirit of the constitution and the best-established principles of national unity," and spoke of viewing the situation "with apprehension and alarm."⁶⁵ The source of the alarm was revealed in the claim that under the tariff of 1816 "for the last ten years the business of the State had been affected."⁶⁶ About the same time the South Carolina House of Representatives adopted a report condemning the protective system, especially to that it assigned the state government to opposition to the general government.⁶⁷

Since no further action was taken by Congress on the tariff until 1824, there was apparently little agitation in South Carolina on the matter. Other forces were operating, however, to intensify the feeling of sectionalism in the state. Among these was the continued economic depression, which was attributed by many to the effects of the tariff of 1816. Also, the Free slave intervention in Charleston in 1822 alarmed the entire South and regenerated the sensitive and defensive attitude which still resulted from the existing criticism of slavery during the discussion of the Missouri question. A manifestation of the rising feeling was the passage by the South Carolina Legislature of a law requiring Negro vessels on a vessel entering port in the state to be impounded during the time that the ship was there.⁶⁸

Feeling was high. The Republican Party in South Carolina was

⁶⁵Archer, States and the Union, 106-112.

⁶⁶William West, John C. Calhoun (Philadelphia, 1897), 60-61; Williams, History of South Carolina, II, 419.

⁶⁷Ward, Development of Southern Sectionalism, 159.

split into two strongly opposing factions. One group, led by Calhoun, Baynes, George McRuffin, and James Hamilton, Jr., was backing Calhoun for the presidency. The other, led by Judge William Smith, William G. Preston, and Thomas Cooper, opposed the Calhoun faction as being too strongly national and, after the death of William Lowndes, supported William Crawford of Georgia for president.¹⁰⁹

In 1850 Congress accomplished what it was unable to do in 1850; it enacted a protective tariff which almost doubled the duties of 1850. The bill was carried, however, by the slim majority of 105 to 102 in the House and barely five to four in the Senate.¹¹⁰ The Congress-sent delegations of the South were almost unanimous in opposition to the bill. According to Ridge, "no one was possibly acquainted the state of feeling throughout the South, where he will carefully bear in mind this remarkable anomaly."¹¹¹ Baynes believed that during the debate on the bill "the constitutionality of a protective tariff was for the first time seriously attacked."¹¹²

South Carolina undertook to reinforce the action of her Congressional delegation. In 1850 the legislature discussed the Princeton report to the lower house in 1851, which denied the right of the

¹⁰⁹White, Robert Barnett Smith, II, Fellow, History of South Carolina, IV, 44-45; Baynes, South and the Union, 120-121.

¹¹⁰Journal of Congress, 37 Cong., 1 sess., Vol. 2, 217; Frederick Bancroft, Calhoun and the South Carolina Nullification Movement (Charlottesville, 1961), 7-8.

¹¹¹Ridge, Life of Calhoun, I, 274.

¹¹²Baynes, Development of Southern Sectionalism, 146.

legislature to impugn the constitutionality of acts of Congress or decisions of the Supreme Court. It passed, instead, opposite resolutions by a vote of correspondence to thirty-eight in the House and twenty-nine to fourteen in the Senate. These resolutions, the program of the constitutionalists, were as follows:

(1) Congress has no right to adopt a general system of internal improvement; (2) it is unconstitutional to tax the citizens of one State for roads and canals in another State; (3) protective tariffs are unconstitutional.¹⁰⁰

All at once challenges to the South had piled up. On January 17, 1856, the Ohio legislature adopted a resolution advocating gradual emancipation of the slaves and colonization abroad to be paid for by the Federal government. Within eighteen months eight other states entered the plan, resulting in a bill being introduced in the United States Senate in 1855 to carry out the proposal from the sale of public lands. The South Carolina legislature was quick to condemn the Ohio resolution as "a very strange and ill-conceived communication."¹⁰¹

Enforcement of the Fugue Slave Law of South Carolina caused considerable friction with Great Britain and was declared unconstitutional by the Attorney General of the United States and the United States Circuit Court in Charleston, but never came before the Supreme Court. In December, 1856, in response to an appeal from Secretary of State John C. Calhoun, the South Carolina Senate adopted, by a vote

¹⁰⁰Palmer, History of South Carolina, II, 425; Bryce, Development of Southern Sectionalism, 100.

¹⁰¹Bryce, Development of Southern Sectionalism, 101.

of Mississippi to sin, resolutions declaring that "the state's duty of granting equal slave insurrection arose from the right of self-preservation, was paramount to all laws, all treaties, all Constitutionalisms," and could never be rescinded, superseded, controlled, or participated with any power whatever.¹⁰⁵ The latter house did not come with the revolutionary language of the Senate, but the state continued to jail Negro women for many years. Although the revolution never continued to rage for more than twenty years, a significant fact was revealed within a year or two of the passage of the South Carolina Nullification Act "that when a state disagreed with the nation over the constitutionality of a measure, it was possible, at least under some circumstances, for the state to defy the nation."¹⁰⁶

There is no indication that North took any active part in the national controversies of the early 1850's, during which time Sprague believes that "the profound nationalism of 1850 was leading not to unity but to disunity, . . . [and] the South had come a long way on the road to secession. . . ."¹⁰⁷ But, doubtless, all of these events helped to shape the attitudes and beliefs of the men who were to play a key role in the development of their sectionalism during the thirty years that followed. North's pride in the accomplishments of the low country aristocracy made him quick to defend its culture. The years of

¹⁰⁵William E. Baser, "Great Britain, the United States, and the Negro Secession Issue, 1823-1858," The Journal of Southern History, I (1935), 11.

¹⁰⁶Sprague, Development of Southern Sectionalism, 129.

¹⁰⁷Ibid., 107-108.

successful defense of low country domination of the state against up country attacks put his region habitually on the defensive. The traditional sectional theme of association by South Carolina leaders gave his predecessors. The growing decline of low country prosperity with the spread of cotton and the slave economy all over the South gave his partial evidence that the tariff and fiscal policies of the nation threatened ruin of the South. As that faced the conflict between an expanding Northern industrial economy and a spreading Southern agriculture, all of these forces entered into his consciousness for public life. The influence, however, did not bring his strong feelings into action apparently until after the election of 1854. At that time he went along with the state when the legislature, in the face of strong state rights opposition, gave South Carolina's electoral vote unanimously for the Jackson-Gilman ticket. In fact, as an ardent supporter of the Jackson-Gilman faction Thayer was elected to the South Carolina House of Representatives in 1855 at the head of the ticket from St. Bartholomew's Parish in Calhoun District.¹²⁸ In that legislative body within a few years, however, the mode of association was to find Thayer's call to Thayer's young and vigorous chief.

¹²⁸ New York Times, South Carolina Illustrated Messenger, Feb. 7, 1855; Wills, Robert Barnwell Rhett, 13.

CHAPTER II

PERIOD OF EMERGENCE

The popular young representative from St. Bartholomew's Parish rushed headlong into the activities of the South Carolina legislature. It was almost two years later that he found the scene and plotted the course which he followed to become the leading South Carolina secession spokesman. His first term, nevertheless, provided opportunities for him to test his oratorical weapons in legislative action. Two incidents involving the legislature's power of impeachment attracted his early interest and resulted in his being credited by one biographer as the first to develop "the availability and practical benefits to be derived from the constitutional power of impeachment, until then in abeyance."¹

The first of these cases involved an engraver, John L. Wilson, who had failed to account for several thousand dollars of the state's printing fund. A resolution, which Wilson said North introduced, was adopted requiring the comptroller-general to report on whether the fund had been accounted for, "giving notice at the time, that if the report should be unsatisfactory, he would move impeachment."² The next day the comptroller, after payment by Wilson, reported the matter was settled.³ Although North received newspaper mention as

¹Paul Wilson, The Political Life and Services of the Hon. S. Sumner North (Columbia, 1897), 12.

²Ibid.

a participant in the "excited and interesting debate"³ on the resolution, other accounts do not credit him with major responsibility for the outcome of the investigation, which had been started by the previous legislature.⁴

On the other hand, he was a principal participant in the second incident involving the power of impeachment--the *Marion Judge Jones* case. On November 20, 1897, early in the second session of his first term in the legislature, Thatt introduced a resolution in the House accusing Judge William H. Jones, Courts of Common Law, of the "high crime and misdemeanor of habitual intemperance in the discharge of his office."⁵ The resolution was referred to a special committee with Thatt as chairman. The same day resolutions were introduced to amend the constitution to limit the term of judges to ten years and to provide their removal for any cause by a two-thirds vote of both houses of the legislature. Thatt opposed these amendments as jeopardizing the independence of the judiciary and introduced one of his own, which was subsequently adopted, providing that "every civil officer may be impeached for any misdemeanor in office, or for any act committed or omitted during, or with a view to his office, which shall deprive his

³Charleston Daily Mercury, Dec. 15, 1896.

⁴Thatt, Robert Barnwell Thatt, To Benjamin F. Perry, Excuses of Public Men (Columbia, 1893), 175.

⁵Journals of the House of Representatives of the Legislature of South Carolina, 1897,² 38, South Carolina Historical Commission, Columbia, SC.

office, to prepare the constitution of Justice.⁶ After almost a month of committee meetings and discussion in the committee of the whole, the House adopted the recommendations of Eliot's committee and appointed Judge Jones, Eliot was made chairman of a committee to prepare the articles of Incorporation, and, after adoption of the articles presented, to manage the Incorporation before the Senate.⁷ His opponent before the Senate was described as "educated, able, laboring, and showing resource and eloquence."⁸ Wallace credited him with having carried the constitution in the Senate, although opposed by his colleagues from the House, William D. Swanton, "who, on that occasion, displayed a forensic ability and eloquence perhaps unsurpassed by himself and never equalled in the state. . . ."⁹ Another charge against Judge Noble Thompson, in which Eliot seems to have had no part, was withdrawn and later settled by his resignation.¹⁰

Although during his first term in the Legislature Eliot was considered by E. F. Perry "as a very brilliant and promising young man . . . [who] spoke very often in the Legislature, and always spoke with fervor and conviction,"¹¹ there is no evidence that he took any

⁶Id., 16, 20.

⁷Id., 202-203, 271-272. Other members of the committee were L. T. Barrett, A. F. Fisher, J. E. Ledy, and R. L. Washburn.

⁸Charleston Daily Mercury, Feb. 1, 1854.

⁹Wallace, Life and Political Services of A. Reynolds Eliot, 15.

¹⁰Offical, South and New of South Carolina, 1, 245; Wallace, History of South Carolina, 12, 126.

¹¹Perry, Reminiscences of Public Men, 127.

active part in the Federal dispute over state rights and the tariff in 1857. Perhaps he was preoccupied with the Judge Jones case.¹²

Events were transpiring in Washington, however, which would lead to active participation of South in the growing North-South controversy. On February 18, 1857, after over three weeks of debate, the lower house of Congress passed by a vote of 105 to 35 a bill increasing the import duties on wool and woollens. On February 18, Vice-President Calhoun was forced by a tie vote in the Senate to cast the deciding vote to take the bill.¹³ It was apparent that the twentieth Congress would enact a new protective tariff law. During the summer and fall of 1857 a number of anti-tariff meetings were held in South Carolina and resolutions of protest to Congress were adopted. Among the groups presenting such resolutions were the Agricultural Society of South Carolina, the Chamber of Commerce of Charleston, and the "citizens" of fourteen of the state's twenty-nine districts.¹⁴

The intense anti-tariff public feeling in all sections of South Carolina, which was evidenced by the numerous resolutions, was stimulated by the agitation of a growing "radical" faction. The learned Dr. Thomas Cooper declared at Columbia in July, 1857, that "we shall, before long, be compelled to calculate the value of our union The

¹² Also, in February, 1857, South was awarded to Elizabeth Washington Jones, widow of Chancellor Schomburgk, of Charleston. Perry wrote of her: "Mrs. South was the opposite of her husband. She was most sensible, mild, and gentle lady, very beautiful and intelligent. He was all passion, excitement and fire." *ibid.*, 131.

¹³ Annals of Congress, 10 Cong., 2 Sess., 1857, 1317.

¹⁴ South's Resolutions, 10 Cong., 1 Sess.

question . . . is fast approaching to the alternative, of extinction or separation."¹⁵ Probably the most influential, and certainly the most extreme, of the anti-slavery statements in 1857 appeared in the form of a series of thirty-one articles by Robert A. Turnbull. He wrote under the pseudonym "Friend" and entitled the essays, which were published in the Charleston Mercury, "The Crisis" or "Thoughts on the usurpations of the Federal Government." Turnbull condemned the doctrine of implied powers, and denunciated the utilization of slavery following the manifestation of hostility toward the South in the tariffs and internal improvements. He advocated "resistance" but did not use the term "nullification." As a final alternative, he wrote "If this fails, let us separate. It is not a case for reasoning or negotiation. It must be a deed and a blow. The man who comes into my yard and pretends to my slaves, must not expect to go out with whole bones."¹⁶ William Utshus "The Crisis" became "the back book of resistance" and was soon widely followed by Gilman and others in later explications of nullification. It was said at Turnbull's death in 1858 "that he had wrought a change in South Carolina opinion almost unparalleled, tearing away the veil from Federal usurpation, and in the shortest explication of the United States Constitution anywhere to be found had pointed the first legal call to the South to nullify."¹⁷

¹⁵Quoted in Sypher, Development of Southern Secessionism, 189; see, also, Channing Samuel Smith, The Nullification Controversy in South Carolina (Chicago, 1924), 3.

¹⁶Quoted in Houston, Nullification in South Carolina, 51.

¹⁷William, History of South Carolina, II, 166.

The South Carolina legislature responded in December, 1857, to the pervasive crisis of public opinion. A Special Committee created for the purpose of recommending resolutions declared: (1) the "Constitution of the United States is a compact between the people of the different States with each other," and its violation can be remedied against by state legislatures as representatives of the people; (2) Congress has no power to enact tariff laws for "the protection of domestic manufactures"; (3) Congress has no power to make internal improvements with the consent of the states affected; (4) Congress has no power to aid the American Colonization Society. South Carolina Senators were "instructed" and Representatives in Congress "requested" to oppose protective tariffs, internal improvements, and appropriations for the Colonization Society. The Governor was requested to transmit copies of the report to the governors of the several states and to Congress. The report was adopted by both houses of the legislature, and, on January 1, 1858, Governor John Tyler directed copies as requested by the resolutions.¹⁸

"It was in South Carolina that protest reached its most extreme form and that opposition to the tariff came closest to anarchy."¹⁹ Nevertheless, the adamant Congressional majority of the North and West ignored the South's cries of opposition. On May 13, 1858, the Senate by a vote of twenty-eight to twenty-one passed the "tariff of

¹⁸ Report of a Special Committee of the Senate of South Carolina on the subject of Protecting Rights (Washington, 1858), circulated in South Carolina, 33 Cong., 1 sess.

¹⁹ Yerger, Development of Southern Nationalism, 186.

abolition.²⁰

On June 12, 1851, just three weeks after news of the passage of the tariff reached North Carolina, Bleck offered to the people of the state his version of the doctrine of "resistance." In a "respectable number of the citizens of Colleton District convened at the Court House in Walterborough"²¹ he submitted two documents: an address to the people of the state and another to the governor. After Bleck had read the two papers, the meeting adopted both—the address to the people of the state by a unanimous vote.

The letter to the governor was a two-hundred word appeal that he "immediately convene the Legislature of the State" for "national consultation." The letter to the people of North Carolina, which was ordered by the meeting to be printed for circulation throughout the state, contained the bill of particulars. It came to be known as the "Colleton Address."

After months of passage of the tariff, the address pleaded, "in the spirit of open avowal," both an offer of "candid counsel and conscientious determination." Bleck expressed the central question in the opening paragraph: "what shall we do?" He argued that through the anti-tariff protests from every section of the state and the national

²⁰Records of Congress, 33 Cong., 1 Sess., 756. It was feared that northern Whigs would be able to outmaneuver Calhoun by forcing him to break a tie vote. But, after he permitted circulation of a counter rumor that he would vote against the bill and otherwise as a vice-presidential candidate, the scheme was abandoned. Margaret L. Gell, John S. Gilman, American National Archives, 1961, 149; Charleston Daily Mercury, April 17, 1851.

²¹Charleston Daily Mercury, June 14, 1851.

from the legislature to Congress the state had "done by words all that words can do. To talk more was to a slaveholder's refuge." The address advised, therefore, "upon resistance to the law of the Union as the only course 'left to us to pursue.'"

North believed the tariff must be resisted because it violated the Constitution of the United States. In this connection, he outlined his "Constitutional Faith." It contained six cardinal points: (1) South Carolina entered the "Confederacy of the United States" as a sovereign and retained all powers not expressly granted or necessary and proper; (2) the Constitution of the United States has no powers except "those contained upon the face of the charter"; (3) the power to levy protective tariffs is not among the express powers granted by the Constitution nor is it necessary and proper to carry out any power granted; (4) protective tariffs cannot be levied under the power of regulating commerce; (5) the power to raise revenue does not give power to lay imports to encourage domestic manufactures; (6) in Clause one, Section two, Article one of the Constitution the power of fostering manufactures is expressly given to the separate states, "and consequently is so expressly denied to the General Government."

The accuracy of these points of belief, however, could not be tested by resort to the courts. Since the tariff bill fraudulently purported to be a revenue measure, it could "in a court of law, . . . only be judged of by its terms." Nevertheless, North adamantly maintained that "the decision of every court in the land in favor of this naked oppression, could not swallow our understandings of its unconstitutionality." According to his "humble convictions, the constitutional

grounds upon which our fathers resisted the pretensions of the British crown, are weak and trivial when compared with those upon which we now stand."

Stark concluded that the "very love of power [had] grown restless" under the limitations of the Constitution, leading to usurpation after usurpation. South Carolina had proved her attachment to the union. Not because of any great suffering at the hands of England, but out of sympathy and love for the North and ardent belief in the "great principle of liberty," the state had fought and "sustained year after year" the revenue that supported the Revolutionary War. . . . Furthermore, "the last war was waged, and maintained by us in the defence of Northern Independence and, from the first commencement of the Union to the present day, we have paid, proportionately, more revenue into the coffers of the General Government than any single State of the Confederacy."

Stark could contend, consequently, that the remedy he advocated was not due to "a desire of anarchy, or to destroy the Constitution." Rather, he argued, "it is that we may preserve the Union, and bring back the Constitution to its original uncorrupted principles. That we now advise you to resist the violation." They prove later Stark and others were to recall that he had predicted in 1855: "From the rapid step of usurpation, whether we now wish or not, the day of open opposition to the pretended powers of the Constitution, cannot be far off; and it is that if any man yet dares to claim that we now call upon you to resist."

Stark did not define "open resistance." He made it clear,

however, that he was not a separatist—that his threats of secession were only to force compliance with the Constitution. At the same time, he was not explicit in the measures he believed resistance would require. He left details to the legislative councils: "as in these dark times that 'fired men's souls,' let us assemble in solemn Convention or, in Legislature and in firmness but brotherly of spirit, rely upon the Providence who has hitherto protected us, to guide and direct our anxious councils."

To those who were "not prepared to follow up your principles wherever they may lead," South could give only admission of pessimism. Then he concluded: "There is nothing passed with your inevitable oppressors, and this with the noble conviction, that your valiant patience will survive triumphant your inquiry and despair."¹²

Although White considered South's language "explosive," she did not doubt the "sincerity of tone and purpose" of the address. On the significance of this "manifesto of secession" she commented:

In later years it was Gallatin's greatest boast that the Gallatin address was the beginning of a new epoch in South Carolina secession, and the rest of the state generally followed her plans in this direction. Yet the novelty of the address consisted not in the ideas but in the manner of action. Cooper, Turnbull and Hamilton had been preaching a secession. South, converted, not only collected under their banner but dashed to the front himself and sounded the call to arms.¹³

Gallatin South considered "the famous address of the citizens of Gallatin district" a fit expression of "the wild rage" of the South

¹²ibid.

¹³White, Robert Barnwell Rhett, II.

Carolina opposite to the tariff. Thus "the Collier address today advocated resistance to the law," that believed that "it marks a historic stage in the advance toward nullification."²⁴

The editor of the Charleston Mercury described the address as "fervid, eloquent, and impressive," and thought that it embodied "at once the political trend, the popular feeling, and probably the determined policy of South Carolina."²⁵ Swedish Elias published the proceedings of the meeting with complete texts of both of Sumner's addresses, and remarked that they contained much "strange language. On the whole," Elias continued, "a more extraordinary paper did not appear in the days of the Hartford Convention, and a disposition to extend the sentiment is manifested on many occasions. . . ."²⁶

Excitement grew throughout South Carolina. On June 19, Congressman George Pickens proposed at a Columbia meeting, over which Governor Taylor presided, that the state levy a prohibitive tax on Northern manufactured goods.²⁷ A letter from "Columbia" dated June 20, was quoted by the Charleston Mercury:

On the subject of the tariff, the people of the Interior are agitated beyond measure. Not the cheap cretars and court-pund politicians of the day, but the substantial citizens of the country, without division, or with the division only of one in a thousand, stand in the ranks of public

²⁴William West, "South Carolina During the Nullification struggle," Historical Collections (Columbia), VI (1891), 234.

²⁵Charleston Daily Mercury, June 18, 1851.

²⁶Elias' English Register (Philadelphia), XXIV (June 20, 1851), 182-190.

²⁷Ibid., 179-184 (July 18, 1851).

feeling towards the General Government, arising from the repeated and humiliating injuries that we have received from it, that if the Delegation to Congress from the Southern States, were to make an error, and recommend to the States to form a Convention and organize a Government for themselves, I am satisfied that the recommendation would be received with the same and unfading by the majority of our citizens.¹⁸

A letter to the Union from "Colleton," which White believed to have been written by Math,¹⁹ described various proposals which had been made to exchange Southern manufactured goods, and recommended that the state, through the legislature or a convention, leave to Congress an "ultimatum . . . that either the General Government must recede from its pretensions to interfere power, or the State must recede from the Compact."²⁰

During the months following the Colleton address, and especially by on July 4, angry meetings of protest were held in all sections of South Carolina. The Charleston Courier, edited by John A. Henshaw, Math's brother-in-law, sponsored a segment entitled "Garrison News."²¹ The Union printed a series of letters by "Hilary" and "Brother" threatening secession and war.²² Antagonism between the union and state rights factions rose to white heat. "The Union party of South Carolina . . . avowed the state-rights party of a desire to destroy the Union and

¹⁸ Charleston Daily Mercury, July 8, 1861.

¹⁹ White, Robert Benjamin Math, 26.

²⁰ Charleston Daily Mercury, July 9, 1861.

²¹ Union Daily Register, LXXXV (July 26, 1861), 383-384; White, Robert Benjamin Math, 26.

²² Charleston Daily Mercury, July, 1861.

to raise a monthly upon the rates . . . Their differences was an ordinary difference. Each regarded the other as headstrong."³⁹

The state rights faction was the stronger and better organized of the two groups, and apparently had majority support throughout the state. It was headed by the state rights leaders, however, that intervention would endanger the election of Jackson and Calhoun. According to Robert E. Hayes, the South Carolina delegation had agreed after passage of the tariff,

that if on our return home, there should be found to exist, (as there was much reason to apprehend), a general and violent excitement, we should endeavor to allay it, and prevent, if possible, the adoption of any measures calculated to weaken the moral force of the southern states, or that might be made to bear, in any way, on the presidential election, or possibly subject the state to unjust imputations.⁴⁰

Political expediency, therefore, was a powerful motive for the more moderate state rightists to curb the growing resistance and discussion continued in the state. The governor did not convene the legislature or call a state convention as requested by Heth and his Calhoun constituents. Yet, since even the moderate felt compelled to oppose the tariff, it was politically necessary that the leaders of the national faction launch a remedy. "Action" was the battle-cry. The remedy must be more than mere words, but it must be less dangerous than Heth's "open resistance."

At the June meeting of Calhoun citizens a resolution had been

³⁹Hayes, "South Carolina During the Nullification Struggle," *Ann. Hist.*, 128.

⁴⁰Quoted in *Wash. Weekly Register*, LXXX (Nov. 15, 1888), 14.

adopted expressing "active approbation" of their Congressman, James Hamilton, Jr., and regretting his determination "to decline a re-election." North and four others were appointed a committee to invite him to a public dinner in Baltimore at his convenience.³⁵ On October 22, the dinner was held. There Hamilton proposed the solution the state rights faction needed. The open resistance endorsed by Hamilton was translated into "nullification." Hamilton told his plan of respectable resistance before the states: "Our resistance, then, is on the Virginia and Kentucky Resolutions of '95--and upon those we put our citadel where no man can burn it In nullification, then, of the mentioned,¹ article our respective limits, is the rightful remedy." Making doubly sure that the state rights faction was not supporting division, he closed with the words: "Let us not abandon this rock [the constitution] of our fathers until the only alternative left is to choose it or liberty itself."³⁶

When the legislature convened in regular session in November, 1833, there was nothing but unanimity on the source of action that body should pursue in regard to the tariff. Numerous resolutions were introduced in both houses by nullifiers and state rightsists. North was among those proposing resolutions in the House. His resolutions condemned the protective tariffs as "violations of the constitution of the United States. But in no such way as to endanger the peace and harmony of

³⁵ Charleston Daily Mercury, Aug. 12, 1833.

³⁶ Ibid., Oct. 26, 1833.

this union, and will view as the heaviest national calamity the necessity of any measure that may jeopardize its existence," Smith proposed another remonstrance to Congress—despite the contention in the Callahan address that "to talk more must be a doctor's refuge." After Congress had "determined on the aforementioned resolution," he recommended that the legislature be convened in special session. The text of his resolutions advocated that "a committee be appointed to prepare an address to the people of the United States, on the existing differences between the state and the general government, relative to the tariff laws."³⁷ The House went into a committee of the whole to consider the several acts of resolutions proposed. "After much time spent in debate, the committee rose, and Mr. Elliot, the chairman of the committee of the whole, reported . . . [and] recommended for the adoption of the house," resolutions proposing a remonstrance to Congress, an appeal to other northern states for help in securing repeal of the tariff, and a committee of thirteen "to draw up a remonstrance. . . ."³⁸ Immediately, Representative J. P. Butler offered an amendment proposing that "a convention of the people of this state be called to meet on the 1st day of Dec. 1857" to decide whether the tariff acts should be recalled by that convention. The Butler amendment was supported by Smith and the others of the extreme wing of the state rights group.³⁹

³⁷Mass. Weekly Register, XXX (Jan. 3, 1857), 304; e. g., Callahan, "Illustrations and History of 1850," Proceedings of the Southern History Association, III (1897), 418-419.

³⁸Mass. Weekly Register, XXX (Jan. 3, 1857), 304; "Journal of the House, 1857," 171.

³⁹Smith, Robert Barnwell Smith, II, credits William G. Preston

During the debate on Bell's resolution for a convention.

Bell delivered a speech which was his first to receive wide publicity in the state. Several weeks later he published the speech as he "re-called it" and circulated it among his constituents.⁴⁰ The Charleston Mercury considered the

production . . . He has! started throughout by high toned denigrating, strong views of the true character of the American System, a fine stream of impassioned sensibility to the injuries and sufferings of the South, and an earnest exhibition of the necessity of putting the state upon its own responsibility for the release of its prisoners.⁴¹

Bell also spoke in the Committee of the State in relation to the arguments advanced by the moderate legislators against calling a convention. The first half of the speech was a rather-of-fact summary and refutation of the constitutional arguments of the opposition. He cited clauses and sections of the state constitution which authorized the legislature to call a convention. In support of his argument he pointed out the similar provisions in the United States Constitution. But until he came to the argument that the convention might go astray of its assigned task and alter the treasured balance of constitutional

with the resolution for a convention, but Fremont's resolutions quoted in Ellis' Daily Register, XIX (Jan. 3, 1857), 304, and saying, "Exclusionist Resolution of 1858," ibid., 315; merely asserted the right of a state to "interpose and arrest . . . usurpation," and declared "such interposition is not necessary."

⁴⁰Speech of S. Sumrell Bell delivered in the House of Representatives of the State of South Carolina on certain resolutions referred to the Committee of the State Relations on the Petition Filed by the Congress of the United States (November, 1857), copy in South Carolina State Library.

⁴¹Charleston Daily Mercury, Aug. 4, 1857.

power between the low country and the up country did North's language begin to reveal his characteristic warmth and "impassioned sensibility." Doubtless that the up country majority would change that balance any time it saw fit anyway, North was willing to rest his "whole protection" on the soundness of the argument that a connection endangered the system. In an apparent appeal for up country support, he branded the argument "a terrible truth—an implication of silly treachery to our nation of the States. . . ."

In reply to repeated references by the members to the policies of the "Revolutionary Fathers" North grew even more impassioned. He exclaimed: "We first met one year—not one day—not one hour did they retreat, not in opposition, but in emotion that might lead to opposition. But let history attest to the correctness of our views." The Revolution's phrases, "high toned feeling" and "glorious views," were particularly apt in description of North's resolution. Here he abandoned his legislative approach and gave back to his burning defiance which was to echo for many years.

For wisdom is the glorious name of liberty, not yet a bye legal word of play and exchange. Our nation, in the name of a people, not yet so ignorant, as not to distinguish between their friends and foes, nor yet so united by tyranny, as to be incapable of one great—our glorious, and if it must be, our dying effort for their blood-bought heritage of freedom.—
 "Despair we will leave to the weak, courage will be the strength of those who know that they contend for all that is freedom in earth living for, or earth dying for. We will fight the only fight. The very last plank and will lift the value of resistance and defiance whilst one rag floats above the waves. But if all must go down—must go down without our struggle—in dishonor,—in ruin,—in shameful land of shame shall never be mine. As a moral agent, I cannot leave up posterity, to that last and heaviest of all calamities—a habituation to those who should be free as a soil that a tyrant can curse and trample

us. As a freeman, I will not lay the basis of a slave beside those of a free assembly, but I will fly to some other land, where at least the transatlantic of the present, will not constitutionally add misery to the miseries of the past. Our Fathers had a wilderness to look to, as their last refuge from an over-powering, all-surrounding tyranny. From this resource is denied their posterity, but they have still a world before them, and the free and slave a world of slaves.⁴²

The Father movement for a convention was lost by a vote of forty-one to eighty.⁴³ The resolutions which were adopted by the House were a compromise among those proposed in the Committee of the Whole by Hugh S. Legare, leader of the union forces, and those introduced by Smith, Preston, and other nullifiers. The final wording of the resolution was:

Resolved, That it is expedient to make our solemn protest against the unconstitutional and oppressive operation of the system of protecting duties--also to have such protest against the system entered on the journals of the Senate of the United States--and to make a public exposition of our wrongs, and of the remedies within our power, to be communicated to our sister States, with a request that they will co-operate with this State in procuring a repeal of the tariff for protection, and an abandonment of the principle, and, if they be not repealed, to co-operate with us in such measures as may be necessary for attacking the evil.

Resolved, That a committee of seven be named to carry the foregoing Resolution into effect.⁴⁴

These resolutions passed by a vote of ninety-six to twenty. Among the opposition were Smith and others who wanted a convention. The committee of seven, nevertheless, was composed of James Dray, D. L. Yardley, Hugh S. Legare, Arthur P. Ryan, William C. Preston, William Elliot,

⁴² Ibid.

⁴³ Journals of the House, 1855, 127.

⁴⁴ Ibid., 127; Ellen's Family Register, 1857 (Dec. 3, 1857), 306.

and S. Russell Smith (South).⁴⁵ Smith was the only member of the committee who had voted against the resolutions.

Simultaneously with the action of the House, the South Carolina Senate passed, by a vote of thirty-four to six, a resolution

That the tariff acts of Congress for the protection of domestic manufactures, are unconstitutional, and should be repealed, and the other states be invited to co-operate with this state in the measure of resistance to the same.

It was further required that a copy of the resolution be transmitted "to the governors of the several states with a request that it be laid before the several legislatures." A committee of nine, one member from each Congressional district of the state, was appointed to draft a declaration "we will clearly state the principles of South Carolina upon this interesting subject."⁴⁶ This committee reported back to the Senate a statement on the nature of the Constitution as "a government of delegated powers." It declared the "American System . . . a gross and intolerable usurpation on the part of the general government," although the report pointed out that "S. Carolina has repeatedly re-assented to this," it pressed upon the people of the United States "a revulsion of the laws enacted at."⁴⁷

The House committee of seven apparently took the responsibility upon more seriously than did the Senate committee of nine. Preston came armed with a draft of Sumner's "views on the subject [in which]

⁴⁵ ibid.

⁴⁶ ibid. Daily Register, XXX (Jan. 3, 1857), 308.

⁴⁷ ibid., 309-310.

he fully expressed himself as to the disease, the danger, and remedy. . . .⁴⁸ After other revisions of Calhoun's document, the committee reported "an Exposition and Protest which was ordered for consideration tomorrow, and the protest to be printed." The next day the report was called up and a resolution passed to have five thousand copies printed.⁴⁹ Whereas the Exposition detailed the theory of solidification, the Protest briefly set forth eight reasons why the South Carolina legislature considered the system of protecting slaves to be "unconstitutional, oppressive and unjust."

There is considerable confusion among historians as to the action of the legislature regarding the report of the committee of seven. It is clear only that the house ordered five thousand copies of the entire report printed and that it requested a committee of conference with the Senate to settle the differences between the houses. The conference committee agreed to the Protest and recommended additional resolutions to the effect that South Carolina opinion was unchanged since 1825 and

⁴⁸ Calhoun, *Exposition, Protest, and Resolutions*, 34; Bancroft, *Calhoun and Solidification*, 38.

⁴⁹ *Annals of the House, 1835*, 454, 459. Bancroft, *Calhoun and Solidification*, 39, says the Protest to the U. S. Senate was "also recently written by Calhoun." Richard L. Grells (ed.), *Laguera and Felix Laguerre of John C. Calhoun* (New York, 1955), 2-47, says the text of the Exposition as the House draft was preserved in Calhoun's handwriting but, since Calhoun's remarks and resolutions were not preserved, he isolated the Protest as reported by the committee of seven. Calhoun, *Exposition, Protest, and Resolutions*, 34, implied that he wrote both the Exposition and the Protest. But Grells's entry on Calhoun leaves far an indication that Laguerre wrote the Protest. Maxwell Gordon Christopherman, "Historical Study of Hugh Andrew Laguerre South Carolina Scientist," unpublished doctoral dissertation, University of Florida, 1956, 173, presents other evidence that the Protest was Laguerre's work.

1857, and requested that the Governor furnish copies of the entire report and resolutions of the legislature to the governors of all the states.⁵⁰ Sumner's Senate the Exposition was not approved by the legislature because it "invited terms to which a majority felt that the South Carolina legislature ought not to be committed. . . ."⁵¹

When the legislature convened in November, 1858, South Carolina was anxiously awaiting Congressional and country-wide response to the 1858 Exposition and Protest. Senator William F. Pickens had officially presented the Protest to the United States Senate on February 18, 1859.⁵² Immediately after receipt of the Governor's annual message to the legislature, another special committee of seven was appointed to deal with that part of the message which treated the "improper assumption of power by the General Government. . . ." The personnel of the committee was the same as that of the 1855 committee, except that Foster was chairman and Representative Foster replaced Legare.⁵³ Three weeks later this committee reported a set of resolutions which were adopted by the House. These expressed confidence in the Governor and the Congressional delegation and concurred with the Governor's approval of President Jackson, but regretted that Jackson had not taken a stronger stand

⁵⁰*Journal of the House, 1858,* 283-285. The confusion concerning the final action of the House is understandable since the Journal for that session closes with the resolutions presented by the conference committee without giving any record of the action taken on the report.

⁵¹*Sumner's, William and Self-Justification, 17.*

⁵²*Ibid.,* 18.

⁵³*Journal of the House, 1859,* 21.

against the tariff.⁵⁴ The most controversial of the resolutions was one authorizing the Governor to open correspondence with the South Carolina Congressional delegation and to "consult such measures with them during the recess of the Legislature as the wants of the present Congress may in their judgment make necessary."⁵⁵ Such measures, however, were to be submitted to the Legislature or the people for action. There was active in the "animated and interesting debate" on the resolutions. According to the Register he "warmly advocated the adoption, convincing the Legislature bound to adopt it in common consistency with all their previous conduct in relation to the tariff." He was supported by Preston, and, as usual, opposed by Legare.⁵⁶

During the 1857 session West devoted his major energies, however, to another matter related to his resistance theme. The Charleston Railroad Company had asked Congress to subscribe to its stock. West was incensed. He introduced a resolution in the House of Representatives requesting South Carolina's senators and representatives in Congress to oppose "with all their zeal and ability" appropriations for internal improvements, especially in South Carolina.⁵⁷ On the day he introduced the resolution West made a "lengthy and animated

⁵⁴One day prior to the report by the committee the Charleston Daily Mercury, Dec. 14, 1857, had printed the President's message to Congress for its recommendations that the tariff laws be changed, though it pointed out that "he does not descend to details."

⁵⁵Journals of the House, 1857,² 246.

⁵⁶Charleston Daily Mercury, Dec. 21, 1857.

⁵⁷Journals of the House, 1857,² 25.

speech,⁵⁸ but his remarks were not published. Then, on the day of final consideration, after the resolution had been tabled and called up unanimously by Smith and Preston, "Mr. Smith [Smith] and Mr. Preston addressed the House, in support of the resolution, with much zeal and animation. . . . Mr. Rogers was in favor of laying it on the table. . . ."⁵⁹ The resolution passed by a vote of sixty-nine to twenty.⁶⁰ After a public meeting in Charleston had tried to petition Congress for aid to the railroad and sent the memorial to Daniel Webster, who was at that very time engaged in the great debate with South Carolina's Bayne, the citizens of Charleston assembled at Waterborough again. Under the leadership of Francis H. Pickens, and supported by Smith, the meeting adopted an address setting forth the evils of Federal aid to the road at the sacrifice of constitutional principles. The funds requested were not appropriated by Congress.⁶¹

The railroad issue thus gave way to the issue of slaveholding in the 1850 elections for the legislature approached. According to Webster, "it seemed to be agreed in the debate [in the 1850 session of the legislature] that, if nothing had been done done by 1851 to address southern slaveholders, the state should then take action."⁶² The

⁵⁸ Charleston Daily Mercury, Dec. 5, 1845.

⁵⁹ Ibid., Dec. 7, 1845.

⁶⁰ Journals of the House, 1845, p. 46.

⁶¹ Charleston Daily Mercury, Feb. 17, 1850; Waite, Robert Fortwell Smith, 127; John O. Fairbanks, Emancipating South Carolina (New York, 1918), 82.

⁶² Samuel Daniel Webster, Publications Concerning the South Carolina Issue, 47.

anticipations of secession were so strong the Jackson administration had not lifted a finger to repeal the tariff. If the state was to take the necessary action, the secession must win a two-thirds majority of the vote in the legislature. The election "was able to turn upon" the question of calling a state convention, which, according to the editor of the Charleston Daily Mercury, a leading seceder, was "but another name for a separation from the Union."⁴¹

At a Fourth of July celebration in Charleston in 1856, Congressman Robert V. Barnwell spoke in favor of a state convention to settle the question of "secession or unionism." At the conclusion of the speech, F. C. Pickens, who was presiding over the meeting, offered a toast to North.

This being received with loud and repeated cheers, Mr. Pickens [North] rose and addressed the meeting at some length in support of Union fighting and avowed himself in favor of a call of convention by our next legislature, and concluded by offering the following sentiment: "The State of North Carolina—our citizens look to her for protection—Union, Liberty, demand that she afford it."⁴²

When the legislature convened in November the state rights faction was clearly in command of both houses, but the two-thirds majority was doubtful. E. L. Pickens, a leader of the faction, was elected speaker of the House. North became chairman of the powerful Ways and Means Committee. Subsequently the legislature elected James Hamilton, Jr., who had been first to announce the doctrine of

⁴¹L. S. Thomas, Disunionism of the Last Fifty-Five Years, 2 vols. (Charlottesville, 1899), II, 175.

⁴²Charleston Daily Mercury, July 12, 1856.

unification, Congress of the state.⁶⁵

In the second day of the session, immediately after the new legislature was organized, Preston introduced a resolution to raise a standing committee on foreign relations "to consider all matters affecting the relations of this state with the General Government or with the other states."⁶⁶ In the debate on the resolution Thell was described as "most able and eloquent" replying to efforts of Judge F. E. Hager to have the resolution referred to the Judiciary committee. The same day the Register again alluded to Thell's "forceful eloquence" which advised that he was possessed of talents of the highest order.⁶⁷ The Preston resolution was passed, and Thell was made a member of the standing committee of eleven on foreign relations.⁶⁸

That part of the governor's message to the legislature which dealt with the tariff was straightaway referred to the tax committee. After a week of deliberations the committee reported back to the House seven resolutions. The first three, expressing determination to defend the Constitution, attachment to the union, and the right and duty of state interposition, were unanimously adopted in the House. Then F. E. Hager moved an amendment declaring that the legislature did not recognize the right of a state to "nullify" a law of Congress. The

⁶⁵Journals of the House, 1830, 3; Charleston Daily Mercury, Nov. 24, 1830.

⁶⁶Journals of the House, 1830, 7.

⁶⁷Charleston Daily Mercury, Dec. 3, 1830.

⁶⁸Journals of the House, 1830, 40.

motion was promptly reversed in passing by another motion changing the wording to "both recognize the right of a state to interpret and assert . . ." violations of the Constitution by Congress. In the heat of discussion on the efforts of the radicals to force the state rights faction to declare themselves in favor of "nullification," North and Roger again saw into verbal combat. North said that he despised a man who would attempt to scare the people by forcing the use of the word "nullification." To avoid a duel, which he always declined on religious grounds, North later publicly revealed on the floor of the house the "intimidation" and declared his "high esteem for the character of that honorable gentleman." Roger accepted the apology and expressed his esteem of North as "in the highest degree brave and honorable."⁶⁹

The Roger amendment forced the nullification issue to a head-on win, which the radicals wanted to avoid. The amendment to Roger's amendment was carried by a vote of only sixty to fifty-six. It was then demonstrated that the secession faction was short of the necessary two-thirds majority in the house. The next three resolutions, declaring that the states have final authority of constitutional review, regretting the tendency of Congress to convert the union into one sovereignty, and branding the FUGL law unconstitutional, all passed by overwhelming majorities. The last vote again on the final resolution, which found it "necessary and expedient that a convention of the people

⁶⁹ Charleston Daily Mercury, Dec. 21, 1850.

of the state be assembled in next after adjournment of the present session of Congress to consider the said violations.⁷⁰ Again the vote was sixty to fifty-nine.⁷¹ In the Senate a separate bill for a convention passed a vote of twenty-three to eighteen, several votes short of the constitutional two-thirds majority required. Then the report of the House committee on Federal relations arrived in the Senate it was laid on the table just prior to adjournment.⁷² The nullifiers were gaining ground but were still far from the two-thirds majority of both houses of the legislature necessary to call the desired convention.⁷³

During 1851 the state rights party "revivified its activity," and, as Hamilton and Hayne began to shake under Calhoun's advice of inaction, the Fusion began to give the attraction of South more prominence in its councils. His position in the state was enhanced at the same time by the elevation of his brother-in-law, John A. French, from the Salem District to the attorneyship of the Charleston Equity Court, and a short time later to the attorneyship of the Charleston Magistrate.⁷⁴

⁷⁰Journal of the House, 1850, 200-201.

⁷¹Journal of the Senate of the Legislature of the State of South Carolina, 1850, 10, South Carolina Historical Commission, Columbia, 1875; Charleston Daily Mercury, Dec. 20-21, 1850.

⁷²Proctor, Nullification Controversy in South Carolina, 127, revealed that, "view of the votes in the legislature in the Convention question, especially that of the Senate, show that most of the votes against the convention project came from the upper districts and from a few of the parishes near Charleston. The interior districts which were opposed were in most cases those where the slave population had not yet reached 50 per cent of the total population."

⁷³State, Robert Barnwell Rhett, 21.

After the failure of the previous year to win a state convention, it seemed expedient to give Congress one more chance to "redress" the Southern grievance. The state rights faction, therefore, retreated temporarily from the demand for a convention. Instead, their defense of the principle of nullification, which label they had previously avoided in 1850, was stepped up. The unionists accepted the challenge and the hills and low country were inundated with a flood of tracts, resolutions, and newspaper editorials on both sides of the question.⁷⁴ Sumner came into the open on the side of nullification with a public letter on July 26, restating the arguments of the exposition.⁷⁵

President Andrew drew the brunt of the state rights attack after July, 1851. Expressing regrets at his inability to appear at a Fourth of July celebration, he addressed a letter to citizens of the Union and States Rights Party of Charleston announcing their objective "to revive in the full force the benign spirit of union. . . ." The letter mentioned the "evil discord" which would accompany any separation from the union and the "high and sacred duties which must and will, at all hazards, be performed" to prevent any plan of disorganization.⁷⁶ Sumner and his constituents again assembled in Hillsborough. There a committee of William C. Pinckney, Sumner, and seven other prominent citizens of Hillabee, drew up a set of resolutions strongly condemning

⁷⁴See Sumner, *Nullification Controversy in South Carolina, 1828-60*, for details of the 1851 campaigning.

⁷⁵Wells, *Speeches and Public Letters of Sumner*, 39-40.

⁷⁶Waller, *Weekly Register*, 18 (July 26, 1851), 350-351.

the President and resurrecting the theory of original and complete state sovereignty. Jackson was served with a copy of the report, and replied that he was "satisfied . . . to decline the explanations required by their resolution."⁷⁷

When the legislature convened, the Jackson letter provided a means of keeping the tariff issue alive without forcing a test again on a state convention. There was more hope of state action after the 1833-34 session of Congress had an opportunity to make redress and a new legislature had been elected. The Federal Relations Committee, with Foster as chairman, went into action on the President's letter. A report even more critical of Jackson than had been the Wellesborough resolutions was adopted in the House by a vote of sixty-four to fifty-two and in the Senate by twenty-four to fifteen. The preamble of the report, after considering "it difficult to find language at once suitable to the occasion and the dignity of this House," explains:

Is this legislature to be attacked and rebuked by the president of the United States?

Is it to legislate under the suspended sword of the commander in chief?

The concluding resolution condemned the President's letter as "an unauthorized interference in the affairs of this state . . . and highly repulsive to the feelings of a free people."⁷⁸ The sting of this

⁷⁷ Charleston Daily Mercury, Aug. 2, 1832.

⁷⁸ Journals of the House, 1831, p. 75, 106; Journals of the Senate, 1831, p. 135-137; Wells' Weekly Register, III (Jan. 7, 1832), 263; Records, Debates and Proceedings, 101.

which was visited somewhat by the President's recommendation in his message to Congress, on December 6, 1890, that "a modification of the tariff . . . is deemed to be one of the principal objects which demand the consideration of the present Congress."⁷⁹ At the same time that Blount and the other state rights legislators were castigating the President for his letter to the ministers, they found it expedient to adopt a resolution commending his request for reductions in the tariff.⁸⁰ They were not willing, however, to go all the way and endorse Jackson for another term. While sixty-two members of the two houses were eager to endorse the nomination of Jackson at a meeting held for that purpose, ninety-six state rights legislators withdrew and declared at a separate meeting that it was "impracticable for South Carolina to participate in the presidential campaign."⁸¹

Thus ended the fourth year of unfruitful wrangling about Blount and his Gilchrist followers had begun the movement toward "active resistance" of national policy. But time had not stood still. Blount and his colleagues who wanted the state to do something were decidedly less than reported resistance had been a small minority in the leadership of the state in 1889. By 1890 they had won a majority of both houses of the legislature, and in 1891 fell strong enough to talk openly of nullification. Blount, himself, had stepped down from the

⁷⁹Miss' Daily Register, III (Dec. 15, 1890), 180.

⁸⁰Charleston Daily Mercury, Dec. 17, 1890.

⁸¹Cited in Swisher, Nullification Controversy in South Carolina, 159-160.

position of a promising but inexperienced young representative to the top ranks of party leadership and "one of their favorite workers."⁸² The state rights leadership could face the future without fear. If Congress made significant reductions in the tariff, they could claim such credit. If not, their chances of winning a two-thirds majority of the legislature and a state nullification convention were practically assured. In short, lacking the two-thirds majority, the state legislature could act without a convention.

⁸²Contt, "South Carolina and Nullification," ibid., vol., 119.

CHAPTER III

WILKINSON AND WILLIAMS

By the middle of 1838 the nature of the national parties in respect to the tariff was clear. In Jackson's running mate, the Democratic Republicans convention had replaced Calhoun with Van Buren, who was known to the South. Clay had decided to get along without the apparently available support of Calhoun, the National Republicans having chosen John Forsyth as vice-presidential candidate. "There was dissatisfaction stronger than in South Carolina"¹ at this apparent endorsement of the protective tariff by both major parties. Otherwise, political alignments were clearer than they had been since Jefferson's time, with the National Republicans representing in general the occupied interests and the conservative middle class and the Democrats the poorer and laboring classes. There was, as in all such political combinations, something that the only significant exception was the South. By temperament and interest the Southern planter should have been on Clay's side. As was as conservative as any man alive, and his was at once the landed and the commercial class of his section.² In favor of the tariff and slavery, however, the planter could not be

¹ Speeches, Development of Southern Nationalism, 191-206.

² Charles M. Wilson, John C. Calhoun, Politician, 1803-1850 (New York, 1947), 180-181. For GENERAL analysis of party alignments during this period see Wilfred D. Howley, American Political Parties Since 1800 (New York, 1947), 195-196.

united with either Jackson or Clay. Thus, because of his hatred of the tariff, the secessionist, whose wish was the strongest in South Carolina, was in a sense a political out-cast.

"The tariff controversy, by 1850, was beyond reasoning. The cleavage was too deep for argument."¹ In 1850 the South Carolina state rights faction had avoided mention of nullification; in 1851 they had begun to use the term more openly; in 1852 "nullification became the one question, and the first points, both pro and con, were debated as never before."² After six months of Congressional debate on the tariff the South had become so strong that instead of abandoning the principle of protection, a bill was about to be passed which, according to Sumner, would fix "the system upon the country forever, beyond hope of future relief."³

At a Fourth of July celebration at Walterborough, sponsored jointly by local citizens and the Colleton Rifle Corps, F. B. Kiser "delivered an Oration in perfect sympathy with the feelings and principles of the audience." These feelings and principles were epitomized by a toast to "Nullification—the only safeguard of the Federal Union," which received a response of ten rounds of nine cheers each. Among the many other toasts, one was received with twelve cheers: "The Majority in Congress—stand back aggressors, we hear

¹Wilder, John C. Calhoun, Nullifier, 135.

²Sumner, Nullification Controversy in South Carolina, 175.

³Records of Congress, 72 Cong., 1 Sess., 1871.

this basis, and leave hearts for our country, but we have nothing for villains.³

In this martial atmosphere, charged with tension and defiance, South was the "hero of the day." After Elliott's arrival in the morning, and a dinner followed by some "regular house," the meeting on arrangements, apparently according to plan, offered the speech "Mr. Sumner will make--the most and most surprising advocate of State Rights, and even when the first voice of resistance to unconstitutional taxation was heard." After the "lengthy and long continued speeches," South (South) addressed the crowd "in a strain in which he surpassed his usual eloquence. . . ."⁴

After expression of his "profound and grateful sensibility . . . [for] the generous kindness and partiality" of the members of the bank, South moved quickly to his favorite theme:

If my mother but little, the first, or the last has exemplified or advocated, the application in our affairs, of the great principle, that it is our right and our duty to resist unjust or unconstitutional taxation; but the principle itself, is worth more than the millions of nations and empires. If ever practically abandoned, (the theory is wrong) the false darkness of ignorance will have settled upon the world, and light, liberty and improvement, will have gone away, and gone, perhaps, forever. It is to this great principle, connected instead in some degree with my political course, that I understand you now to offer the seal of your approbation and homage.

Although he felt at that point that he might have taken his seat "with propriety," South was impelled to go on by the "dispositive crisis" of affairs and by his own feelings, "rushing high with the

⁴ Charleston Daily Evening Post, July 12, 1833; White, Robert Elliott South, 22-23.

arbitrariness" of the crowd. In making nature he described the spectacle in which the descendants of those who had fought together for common rights "now stand asunder, and frown in stern and haughty distances from either side of the Prisoner." He argued that the cause of the alienation was "Injustice—injustice springing from the love of power and the love of gain." He found this to be the "same old cause, which from the origin of our race, has desolated the earth in blood and tears." With a series of rhetorical questions he elaborated the description: From whom did the injustice come? A new horde of barons? The "wanna tiger of the wilderness [Indians]?" He found it all the worse because the injustice was from civilized, Christian men.

"Are you not a slavery," they say, "and should you not be governed by the majority, absolutely and for ever, if you would be free at all, according to the improved mode of republicanized? Talk of the constitution and self government! Why, was not the constitution made for the majority? and if you do not govern yourselves, we, the majority, do the better instead for better for you. Are you not allowed to sell and purchase from us on our own terms . . . ?"

In this vein he continued his portrayal of the logic of those who were trying to "civilize these Southern States."

Heft returned from an examination of the history of nations "that no nation can be safely entrusted, with the control of any other people, than their own." He inferred, therefore, that "then . . . many of the statesmen of our country, looked for justice to the majority of the Union, by whom we were governed, and expected to receive it by mere remonstrance and supplication, they were looking for results that have never happened, and never will happen, while human nature remains unchanged." His condemnation of mere protest led North

to justice of his often repeated remedy:

have not seven years of laboring politics and non-resistance, at the sacrifice of at least ten millions of dollars to South American, at least convinced you, that your only recourse for your wrongs, lies in resistance, and that if you have not the courage to maintain your rights with your own hands, you must drag the chain of ignominious subjection and dependence forever?

On this occasion, however, he was more concrete than before in reducing the abstract "resistance" to actualities. "And if we have the courage to resist, how shall we resist? By 'militation'?" It may be asked with a start: Sir, we answer my way, every way, provided it is downright effectual resistance—and affords practical protection to the free citizens of America." In this speech Eliot declined to enter into constitutional speculation. If resistance were the only remedy, he believed it did not matter whether one group thought the method constitutional and the other thought it not. Therefore, he reasoned, all who believed in resistance should cooperate in the "right" proposal.

Apparently, though, militation lacked the violence which Eliot's nature demanded. His preference was only thinly veiled also by contention that, at worst, militation could lead only to revolution. He did not consider that as evil as the alternative of the slaveholder becoming a slave himself.

Revolution! Sir, I feel no exciting fears, no appalling horrors come near me at the thought; on the contrary, I feel my mind exalted, and my spirits rise, as at the rustling of the gale, which bears me over the waves of a stormy ocean. What, sir, has the people ever gained, but by Revolution? What have Tyrants ever succeeded but in Revolution? From the beginning of time, liberty has been acquired but at the price of blood, and that blood shed in Revolution. The spring not late wither once, beneath the green leaves, or hole of roses, with the

song of birds to greet her birth,—our stately marble palaces, upon American domes, with the swelling psalm of the organ to bid her hail. To stir the sense into existence, like the faded harvest of the fugitive's teeth, covered all over with the poverty of war,—with her breastplate and her helmet on, and her spear glittering for the destruction of tyrants.

Not content with generalization, North applied the rule of revolution to his native land: "What, sir, has Carolina ever obtained great or free, not by revolution?" The colony had not its freedom by revolution, led by a man, presumably Lindgrave Smith, whom North was proud to "acknowledge as a prophet," only by the blood of their fathers, "spurred forth like mountain torrents in revolution," were his auditors there as witnesses of a rebellion listening to the wrongs they suffered. The word "revolution" was used fourteen times during the speech; the word "nullification," only once.

Yet, North hesitated to aid, he was not advocating aggression. He did not seek revolution, but only the defense of rights. He did not wish to plunder others but only to refuse to pay any longer "till we would plunder us." Nor did he ask indemnity for the millions which already had been extorted.

He says, surely, to the father, who for the thousandth time is entering our doors, in the language of a merchant you have drunk this day, "What, Sir,—you shall take no more—you have taken wealth—you have taken comfort—the bread from our families you shall not take."

If, then, in defiance of reason and justice, as well as the Constitution,

the fire and the sword of war are to be brought to our dwellings, why, then, Sir, I say, let them come . . . let them come. The spirit of '76 is not dead in Carolina. It kindles in the pine lands—it lights up along the swamps and our beautiful sea islands, and trends, with its blustering steps, on the tops of our mountains. Let them come!

at launch, North rationalized, war would determine the fate of South Carolina. It would relieve the people of the uncertainty of not knowing whether they were to be slaves or free. Again he explained: "We all desire peace. We deplore the Revolution." He concluded his address the defense of revolution with an assertion of support for a union "based upon equal rights and laws," but if hopes for such a union were "doomed to disappointment and sorrow, well then, sir, once more I repeat, let them come."

In an oration North acknowledged the boldness of his language, but thought it a fitting response to the "high heart of the slave owner" of his audience. He paid tribute to the values of resistance raised in Charleston in 1818, without regard to the "trial of public opinion" or to "what stretched prayer was lifted to the Presbyterical Chair. . . ." While Charleston sentiment had remained unchanged, for this solitary voice had been "the stern demand of Christianity." Referring to the occasion for his speech, North concluded with a tribute to the founding fathers:

Through the long riots of the past, they stand bearing down, and valiantly, I fear, will roll on, ages after ages, at South profaning their paradise. I give you, sir,

The God of '76--they dared all things but to be slaves.⁷

North's concluding remark received rapturous applause from the crowd, after which a rifleman offered the toast: "The spirit of '76--I have heard of it, and once its blessed fruits, let our eyes see it."

⁷ *Id.*
ibid.

submitted to the professor who last addressed me," after considerable hesitating, Dr. Winchell gave a tribute to Scott as an "ardent patriot, the uncompromising foe to all political maneuvering, and the fearless and determined supporter of correct principles," and asked that Scott furnish a copy of the speech for publication. The motion was unanimously adopted. Scott, who apparently was prepared for such a request, "rendered a compliance."⁸

The Charleston Evening Post, edited at that time by Scott's brother-in-law, Horace, headed the account on the "interesting proceedings of the Wakefield bachelors" with a quotation from Jefferson:

EVERY STATE has a natural right, in cases not within the compact, (except for Freedom) to withdraw from the Union, by all circumstances it comes to where, Scott's only thought through this right, was what he under the direction, speaking and writing, it however right supports this right of self and for God.

Scott stood in the meeting "and in this early, spirit stirring speech, breathing the very inspiration of patriotism, . . . the spirit of resistance, which shed the first light in the Declaration address, [and which] shone brighter and rose higher as the storm cloud lowered."⁹ The Review was less caustic than the Post, but was quick to credit the readers that it had supported the policy advocated in the Declaration address in 1861.¹⁰

⁸ Id.

⁹ Id.

¹⁰ Charleston Daily Review, July 14, 1861.

Meetings similar to the one in Walterborough were held all over the state by state rights and union factions. "Each side was prone to claim all the intelligence, stability, virtue, and patriotism of the state, though . . . the most talented, patriotic, and virtuous men of Carolina were about equally divided between the two parties."¹² The unionists were agreeable to a state convention, if the tariff bill were passed by Congress; they contended, however, that the convention should endeavor only to provide a constitution of all the Southern states. The nullifiers labelled the unionist position as a delaying action and continued to urge separate state action.¹³

The expected happened. Congress adopted the tariff bill, which, although it reduced the levy on some items, could not be accepted by the state rights South Carolinians because very few of the reductions were on protected items. In fact, many of the party insisted that the new bill was worse than the 1856 tariff. Although final action on a conference committee report was not taken until July 14,¹⁴ news of favorable action in both houses of Congress, awaiting passage of a bill, had been received in South Carolina while Fourth of July celebrations were in progress. Many unionists were willing to accept temporarily the new act of Congress as an improvement. Three South Carolina Congressmen, William Boynton, Jesse Blair, and Thomas Mitchell, voted

¹²Forster, Nullification Controversy in South Carolina, 104; Wilson, History of South Carolina, II, 830.

¹³Forster, Nullification Controversy in South Carolina, 107-108.

¹⁴Journal of Congress, 73 Cong., 1 Sess., 1873, 394.

for the seceders. The remainder of the state's delegation, before leaving Washington, drew up "An Address to the People of South Carolina" announcing that the only hope left was in the sovereign power of the state.¹⁴

Both factions stepped up the campaign. At an anniversary meeting of the States Rights and Free Trade Association of St. Bartholomew's Parish, held in Charleston, on September 8, the address of the state's Congressional delegation was read. Immediately following, South delivered "a truly eloquent and appropriate oration . . . [which] was frequently interrupted by the most enthusiastic applause of the large audience."¹⁵ The meeting adopted resolutions to instruct members of the legislature to vote for a state convention, and, lacking the two-thirds majority required to call a convention, to vote for nullification of the tariff laws by act of the legislature. Members of the legislature who would not so vote were asked to resign.¹⁶

The election resulted in the victory hoped for by the state rights group. Although the popular vote was only about 12,000 to 17,000, the nullifiers won overwhelming majorities in both houses of the legislature.¹⁷

¹⁴Reacher, Nullification Controversy in South Carolina, 168-170. Signers of the address were Robert V. Hayes, Stephen D. Miller, George McAffie, Warren R. Harris, J. R. Palmer, J. E. Griffin, W. T. Basselle, and S. W. Barnwell. Palmer and Barnwell were former nullifiers.

¹⁵Charleston Daily Mercury, Sept. 16, 1850.

¹⁶Charleston Evening Post, Sept. 18, 1850.

¹⁷Wallace, History of South Carolina, II, 545; see Reacher, Nullification Controversy in South Carolina, 170, for a map showing the vote by districts and parishes.

On October 23, the legislature convened in special session at the call of Governor James Hamilton, Jr. Next morning, on the opening day, a number of a joint special committee to consider the governor's message. The following day Freese reported from the committee a bill calling a convention. Two days later, on October 25, the bill, after having passed the Senate by a vote of thirty-one to thirteen, was adopted by the House, thirty-six to twenty-five.¹⁸

Then the convention assembled, on November 17, North, who had been elected a delegate by his loyal M. Fortsummers constituents, was absent because of illness.¹⁹ The assembly, nevertheless, did not suffer from lack of sufficient talent and readiness to act. Governor Hamilton was elected president of the convention. Robert T. Hayes prepared the welcoming Robert J. Turnbull, the address to the state; George McCallie, the address to the United States; and Judge William Harper, the actual Ordinance of Nullification. The Ordinance was adopted on November 24 by a vote of 124 to 36.²⁰

The convention declared the tariff acts of 1816 and 1828 null and void in South Carolina, and ordered that it would be unlawful for any official of the state or the United States to demand the payment of duties imposed by the said acts within the limits of this State. . . .²¹ No appeals from the Ordinance were to be permitted to

¹⁸Journals of the House, 1832, 4-44.

¹⁹Charleston Daily Mercury, Nov. 23, 1832; White, Robert Turnbull, 24.

²⁰Charleston Daily Mercury, Nov. 23-27, 1832.

the United States Supreme Court, and all state officials, except members of the legislature, were required to "take an oath, will and truly to obey, execute and enforce this ordinance and each act or rule of the legislature, as may be passed in pursuance thereof. . . ."⁸¹ Finally, the Ordinance gave notice that the state would "not submit to the application of force, on the part of the Federal Government, to reduce this state to subjection," but would consider acts of force means for separation from the Union and formation of an independent government.⁸²

The legislature convened in regular session on November 26. Three days later, the body expressed its confidence in Smith by electing him Attorney General of the state to succeed James L. Polign.⁸³ He continued to serve in the House during that session, however, and did not date his letter of acceptance until December 18. He expressed therein the hope that, "however deficient" he might be in other respects, he could "bring to the service of the state, a soul engaged by some—its ability only limited by . . . [his] faculties, and a devotion to her holy cause, that shall fall but with life. . . ."⁸⁴

The legislature—in addition to adopting a detailed act of enforcement of the Ordinance of Nullification and giving for use with

⁸¹The Report, Ordinance, and Address of the Convention of the People of South Carolina, 1862-63, February 1863, 1863 (Columbia, 1863), 25-27.

⁸²Journals of the House, 1872, 43.

⁸³Ibid., 171.

the Federal government and the unionists, who had announced they intended to defend their rights, if necessary, with arms--such arms were significant changes in high ranking state officials. Bayne was elected Governor, and Gilman, who resigned as Vice-President, replaced him in the Senate.²⁴

Although South Carolina seemed to be ready for any emergency, seceding states gave the unionists pause. President Johnson, on December 18, issued his proclamation, reported to have been written by Secretary of State Edward Livingston, labeling secession as rebellion and treason and pledging to maintain the laws of the United States at all costs.²⁵ South Carolina faced the federal government alone; no other state rose to her side. Furthermore, she faced civil war at home. In as many communities as possible in all districts of the state the unionists organized militias which, in case of emergency, were to become military companies. They made Joel R. Palmer's, who was in regular correspondence with Johnson, commander-in-chief. Gilman and Congressman William Dwyer found little resistance in Congress in support of secession, but thought the chances for satisfactory resolution of the tariff were good.²⁶

²⁴Ellis, Johnson, President, 129-131.

²⁵Proclamation of General Andrew Johnson, President of the United States, Against SECESSION, December 18, 1860 (Washington, 1860).

²⁶Augustus Jones, Andrew Johnson, Portrait of a President (New York, 1877), 21-24; Becker, SECESSION: THE STRUGGLE IN SOUTH CAROLINA, 225-226; Bayne, RECONSTRUCTION OF SOUTH CAROLINA, 215-216.

The "States Rights Party," at a meeting in Charleston, January 12, over which James Hamilton, Jr. presided, agreed to postpone state action in pursuance of the Ordinance and acts of the legislature until Congress had an opportunity to modify the tariff. The means were adopted, but avoided armed conflict with the federal government and the state's interests, the apparent almost motives for war.⁸⁷ The secessionist, fortunately, were in control.

All attention in South Carolina turned to the efforts of Calhoun and the rest of the state's delegation in Congress to win reductions in the tariff and to defeat the "Force Bill." They compromised on the tariff, accepting a bill lowering duties gradually to twenty per cent in 1845 but lost on the Force Bill. Both became law on March 2, 1833.⁸⁸

On February 13, two days before the beginning of the great debate in the United States Senate between Calhoun and Webster on the Force Bill, Hamilton issued a call for the state convention to convene on March 12. When the group met, Hamilton resigned and Governor Bayne became president of the convention. Two days later a committee of twenty-one brought in a report declaring the compromise tariff a victory for South Carolina and recommending that the Ordinance of Nullification be repealed.⁸⁹ South, she was present with the added prestige of Attorney General Calhoun, "stepped to his feet in passionate

⁸⁷ Ellis, Calhoun, Nullifier, 181.

⁸⁸ Bayne, Nullification in South Carolina, 134; Williams, History of South Carolina, II, 426-427.

⁸⁹ Webster, Nullification Controversy in South Carolina, 288-289.

protest."¹⁰

It is agreed, at the outset, that "the Ordinance of Nullification must be raised"—that the state from the necessity of the situation "must assume a law, if not an inferior position." He could not agree, however, on the manner in which the new position was to be assumed. After considering the events which led to the act of nullification, Smith concluded his address that the ordinance stipulated that South Carolina would "submit alone to a Tariff" which imposed the same rate of duties upon the imported, provided, that no more revenue should be raised than is necessary to meet the demands of the Government for constitutional purposes, and provided, also, that a duty substantially uniform be imposed upon all foreign imports.¹¹ Turning to the report that before the convention, he called attention to the statement, "your committee find in the late nullification of the Tariff, great for congratulation and triumph."¹² Yet, in another part of the report he found:

"the reduction provided for by this Bill is neither in the amount, nor the time when it is to go into effect, such as the State had a right to require" and in another part, it is further substantiated, that "this system of raising revenue by duties on imports is unequal and oppressive upon the South." Now, Sir, I would be glad to know, how these propositions are to draw together. Is it now for congratulation and triumph that inequality and oppression must be our portion under any system of raising duties upon imports? Or is it now for congratulation and triumph, that we have not obtained, what we had a right to require, and/or in the event of the reduction, now the time when it is to be effected? Triumph is our appreciation and greet each other with congratulations, when our rights are not obtained. Sir, let us hasten into this Bill,

¹⁰Smith, Robert Barnwell Smith, 26.

which brings out such strange propositions, and one that is really as lame as a goose.

Declining with a summary of the provisions of the new tariff law, he could not find any abandonment of the principle of protection. That, he could see little reason for rejoicing.

Mr. President, as my sing pass [sic] of triumph if we will, and greet each other with congratulations but I tell you, Sir, the People of this State would rather have taken the Southern Bill with the battle-field, than accept of this modification. . . . I am informed, there was stands upon the Warter Hall of the Palmetto 27,000 men. They had made their living arrangements to meet the crisis. They had called in their small children some had sent their children away to the old people for protection and care. Some disposed of stock, or obtained their horses, and all prepared their arms for the contest. and now comes the proposition. They ask you, if the protection policy is abandoned? The answer tell are the principles of free trade and equal rights established? Has the Constitution restored to its integrity and our liberties guaranteed? Had for here is the Bill of Rights, by which what little of the Constitution that was left, is scattered to the winds, and the spirit and the power of the Confederacy are placed in the hands of an insolent and brutal Dictator. Mr. President, dare we then hand them this report, and tell them to triumph and rejoice? Let us beware how we outrage the feelings of Freedom, and not destroy his satisfaction.

Smith contended that the report alleged that the tariff law recognized the revenue principle in its provision that no more duty should be raised than necessary even if the duties on the protected items had to be lowered more than the protected decrease provided. He did not believe, however, that the tariff would ever be lowered more than the reduction provided for in the bill; nor did he find in the law the principles for which Carolina had so long contended. He thought the committee had forgotten or laid aside the "high grounds of constitution with our Government, which can never be abandoned but with our Liberties."

Furthermore, he found another reason to object to the wording of the reports:

In the first volume, I find the following words:—"Indirectly attached to the Union of these States, the people of South Carolina, who still were devoted to the rights of the States,"—etc., in this profession plainly and simply true? If it is, let it stand. Since your attachment might be suspected, accumulate epithets to your profession.—I ask the gentlemen upon this floor, whether they can lay their hands upon their hearts, and say, that they are "indirectly attached to the Union of these States."³⁴

Although his polemic had been kept high for the Union, Smith was willing to "boldly declare" that under the government as administered he no longer had an "indirect attachment to the Union of these States." The association itself had seen that once declared that the Union was to blame for abolition of the Constitution.

The star-spangled banner no longer waves in triumph and glory for us. I have seen it flapping over the armed instruments of a tyrant, prepared to "flagellate liberty by measures." I have heard the anthem rising from beneath it, by an empty demonstration of power, to insult and degrade this untamed and yet free State. . . . Indirectly attached to the Union of these States! Sir, if a confederacy of the Southern States could now be obtained, should we not deem it a happy termination—happy beyond expectation, of our long struggle for our rights against oppression? I fear that there is no longer hope or liberty for the South, under a Union, by which all self-government is taken away. A people, being slaves, are not, or worse than not, who do not hold their destinies in their own hands. . . . Sir, let slaves alone and leave a despotism—it is the work of freedom to detect and resist it.

Henry, in Autobiography of Philip Hens, M.D., recorded, as an eye witness of the scene, that "Old General Warren, a revolutionary patriot, who had lost a leg in the war of Independence, jumped up to his feet and said that he could, he would and with all ceremony lay his hand on his heart and say that 'he loved this Union.' But he, Smith was always a disunionist as well as ~~abolitionist~~ ^{abolitionist} and declared the Union from the bottom of his heart till the day of his death."

Smith returned to the tariff, contending that it—along with internal improvements and the Fugitive Slave Law—were symptomatic of the real disease. The dread enemy was despotism. He contended that there was no real liberty or security for the South until the government could be made a limited government confined to the interests common to the whole confederacy. There was a danger, too, he pointed out, in the effect of such a compromise on the future courage and confidence of the people; they would be inclined to yield to other compromises until all would be lost to tyranny.

In a concluding paragraph Smith came to his concluding suggestion to the convention. He thought there were two desirable alternatives, one of which should be taken by the States:

If my counsel were pursued, I would advise, simply a repeal of the Ordinance, without assigning any reasons, and without placing ourselves in any compromise. . . . But if we must assign reasons for our course, let us endeavor to formulate those which really justify this assembly.

Some members supported repeal of the Ordinance out of loyalty to the members of Congress who had participated in the tariff suspension; others were influenced by the resolutions introduced from Virginia. But, whatever the reasons, the tone of the report did not accurately present them. The crisis was not yet "unquestioned and fallen." It should be made clear to the people of the States that the battle was not yet won and that they must continue vigilant to maintain their liberties.

Smith declared that he was in a good camp. She was on rights under this government, but that she is prepared to assert in the tactical field. And if driven to the last alternative of the sword, by which alone all the liberty which we have ever enjoyed, has been acquired, or maintained, let her contest fairly, with her brow unclouded with the dews of timidity, and her free

men, striking home to the heart for her wronged and trampled rights.

I shall now like to lay the report upon the table.³¹

According to the Harvey, Keith's "warm and high spirited" led to an "intemperate attack upon . . . [him], by several gentlemen, when, however, he kept off with much spirit."³² Later the paper elaborated:

When Mr. Barnwell Keith had ended, he was attacked by Mr. Warren, Gen. Hamilton, and Gov. Miller. The first by declaring himself attached to the Union, certainly mis-attributed to Mr. K. a contrary feeling. Mr. Keith and clearly expressed a high attachment to the Union, upon the proper, original, unperverted terms. It was in the present form, only, of a Government utterly corrupt and tyrannical, that he and spoken, as a thing, which neither he nor his constituents loved—which indeed, they must rather dread, until it can be compelled to cease to be a mere machine of despotism.³³

Henry Howard wrote his brother that Keith, who, although "quite a young man, . . . [was] of the brightest genius, . . . inspired the tone of the broadcasting Madison in the Convention."³⁴

Keith submitted a copy of his speech, along with a letter to the "Editors of Th. Charlestonian Parish," to the Harvey for publication.³⁵

³¹ Charleston Daily Harvey, March 26, 1853.

³² Ibid., March 18, 1853.

³³ Ibid., March 28, 1853.

³⁴ Howard C. Motner (ed.), "The South Atlantic States in 1853, as seen by a New Englander," Harvard Historical Magazine, LXXXI (1971), 513. Howard, a New Englander as late as the 1850s, wrote later, after being a dinner guest of Keith's that he found the "Flames Billifier . . . a man of great energy of mind and . . . very explicit in his views and opinions." According to Howard, Keith claimed the nullifiers had a plan to seize the government animals but abandoned it after some "weak mind" let it out. Ibid., 335.

³⁵ Charleston Daily Harvey, March 26, 1853.

He later published the speech and letter as a pamphlet.³⁷ In a letter of transmittal to the Harper he made it clear that the States Rights Party was not responsible for any of the sentiments contained in the speech. So, in the letter to his constituents, he said he had not felt himself "at liberty to alter the tone in which . . . [his opinions] were delivered, however respectable, even in my own estimation."³⁸ He did select one alteration in the speech. He retained in brackets a paragraph of explanation at the end of his remarks on the "hardest attachment to the Union." Here he stated: "For the Constitution of the U. S. and the Union it was intended to create, I will yield to no man in my devotion and attachment."³⁹ He was careful to say in a foot-note that the "explanation was not in the body of the speech but was spoken afterwards to correct misapprehensions as to the previous part."⁴⁰

Although Burke's speech scarcely could have won his own friends in the convention, it did induce the group to delete the word "virago" from the report and making other slight modifications in wording before adoption, on March 15, by a vote of 123 to 1.⁴¹ Probably more significant than its slight immediate effect was the fact that Burke's speech to the convention marked him as a cultural rebel, one who was quick to take war upon his friends as upon his enemies when he felt

³⁷ Speech of B. Russell Burke, delivered to the Convention of the State of S. Carolina for the purpose of organizing the Convention of Representatives on the 15th of May, 1853 (Columbia, 1853).

³⁸ Charlotte Daily Mercury, March 26, 1853.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Brother, Philadelphia Enquirer to South Carolina, 1853.

that their political convictions were not completely forthright. Wallace considered this speech "a flimsy and evasive declaration of policy" which was a work of "splendidism from which "the most radical South Carolina leader of the next generation . . . leaped into prompt action. . . ." In connection with the speech Wallace drew an appraisal of Davis:

Davis's political sincerity and valiantness faith in the wisdom and righteousness of his own fixed ideas, which made his work a power in propaganda and even an embarrassment when even his party had gained power, had been aside the wall beyond which moderate men did not wish to look. This most reliable and lovable of friends, the well-taught perfect Christian gentleman, a man of the refinement and purity of a woman and of a single-minded devotion to truth as he saw it rare in politics, and a fanatical belief that he was right, though all the world was wrong, by his unswerving advocacy of these ideas became for a generation one of the important characters in American history.⁴¹

On March 12, three days after receiving the Ordinance of Nullification, the convention undertook to demonstrate that South Carolina was not yet "emasculated and fallen." By a vote of 120 to 12 the group passed another ordinance nullifying the Force Bill, on the grounds that it was an unconstitutional attempt to construe an ordinance of the sovereign state of South Carolina adopted to protect her constitutional rights.⁴²

In his letter to his constituents, published along with his speech at the convention, Davis—who was now to assume his duties as Attorney General—severed relations with them as their representative

⁴¹Wallace, History of South Carolina, II, 447-448.

⁴²Charleston Daily Mercury, March 21, 1833.

"He seeks in private life, for that peace of mind, which the world can neither give nor take away." He had received from them "nothing but the warmest sympathy, kindness and confidence," and told them it was very responsible for the "solitariness and unhappiness" he had found in public life.⁴³ There was apparently dissatisfied with anything less than complete success. A man who at thirty-three years of age had been chosen Governor General of his state and who had seen the state follow his lead in resisting the tariff would hardly consider his career a failure. Furthermore, foresight might have told him that he was far from leaving public life and that he faced many more years of bitterness and unhappiness. He was, in essence, in fact, in the midst of immediate political strife resulting from nullification.

⁴³ Charleston Daily Mercury, March 26, 1820.

CHAPTER II

THE FIRST BATH CASE: ILLUSTRATION OF TRUL

North, who had insisted while only a lieutenant that a strategic withdrawal of the brigade must not be considered a victory, whereas attorney General—directed to brigadier. In this capacity he was to become almost immediately the chief spokesman in defense of the theory of state sovereignty. The Ordinance of 1863 nullifying the Force Bill continued South Carolina's defiance of the Federal government by authorizing a new "test oath" of allegiance:

To do further Order and Declare, That the allegiance of the citizens of this State, while they continue such, is due to the said State; and that obedience only, and not allegiance, is due by them to any other power or authority, in whom control over them has been, or may be delegated by the State; and the General Assembly of the said State is hereby empowered, from time to time, when they may deem it proper, to provide for the subscription to the citizens and officers of the State, or each of the said citizens as they may think fit, of suitable oaths or affirmations, binding them to the observance of such allegiance, and abjuring all other allegiances; and also to define what shall amount to a violation of their allegiance, and to provide the proper punishment for such violation.¹

When the legislature convened in December it passed "an Act to provide for the military organization of this State." This law contained the following provision:

In addition to the oaths now required by law, every officer of the militia hereafter elected, shall, before he takes an

¹The Book of Allegiance, or a Report of the Arguments of General, Winfield of the Court of Appeals of South Carolina on the Case of Allegiance (Columbia, 1863), 1.

The duties of his office, take and subscribe before some person authorized by law to administer oaths, the following oath:—¹
 I, B., do solemnly swear (or affirm, as the case may be) that I will be faithful, and true allegiance bear to the State of South Carolina.²

although the act did not include the phrase "sujuring all other allegiances," the implications were clear. Subjects could not take the oath without repudiating their loyalty to the United States.

In February, 1864, Edward McCreedy, in applying for his commission as Lieutenant of the Washington Light Infantry, a military corps in Charleston, refused to take the oath prescribed by the legislature. Instead, he tendered the oath required of all state officials by the state constitution, but which had never been enforced for officials in the militia:

I do swear, or affirm, that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed, and will to the best of my abilities discharge the duties thereof, and preserve, protect and defend the Constitution of this State, and of the United States.³

The commanding officer of the regiment, Colonel Benjamin F. Bush, refused to grant the commission. McCreedy applied to the state district court, at Charleston, for a writ of mandamus ordering Bush to deliver the commission. The court decided in favor of Bush. McCreedy appealed to the state Court of Appeals for a reversal on the grounds that: (1) the oath of allegiance violated the state constitution in that it allowed the oath prescribed therein; (2) the act of the legislature was not

¹ Id.

² Id., 5.

consistent with the ordinance of the convention; (3) the convention could not authorize the legislature to change the constitution without conforming to the procedure for constitutional amendments; (4) the convention exceeded the objects for which it was called in its attempts to define allegiance and prescribe a test oath; (5) the ordinance itself was "clearly repugnant to the Constitution of the United States."⁴

The case came before the Court of Appeals in Charleston in March, 1864, after arguments were begun, it was adjourned to the May term of the Court at Columbia because of the illness of Judge J. B. O'Neill. In the meantime, a second case was appealed to the Court. Jesse Hefield, having been elected Colonel of the 27th Regiment, applied to a General Hefield, commanding officer of the brigade, for his commission. Because of Hefield's refusal to subscribe to the oath of allegiance the commission was not granted. The case went before the court at Lancaster in April, where the judge held that the act of the legislature was unconstitutional and issued a writ of mandamus ordering that the commission be issued. The state appealed on the grounds that: (1) the legislature was competent to require such an oath as "a mere acknowledgment of the peculiar and exclusive obligation . . . owed to the government of the State, in the character of original and ultimate proprietary of the soil . . ."; (2) admitting the ordinary incompetence of the legislature to pass such a law, it was rendered competent by the ordinance to satisfy the force bill; (3) a state court did not have the authority to "separate or annul an ordinance of the Convention of the

⁴224, 5-12.

people of the State, the power of which is paramount to the Constitution, and to all departments of the government"; (2) admitting jurisdiction of the court, the oath was "consistent with the Constitution of South Carolina, and not repugnant to the relations which the State or its officers bear to any other government or power."⁵

The two sides, "depending on the same principles, and raising the same questions, were argued and adjudged together."⁶ The combined opposition to the oath in the two cases was represented by Thomas Orkin and James Pettigrew, both former tutors of South and probably the two most competent attorneys in South Carolina, as well as prominent leaders of the seceded political parties. They were assisted by attorneys McMillan, Williams, and Hanning. Their case was assisted by attorneys Finley and Thompson and Solicitor General.

Orkin opened the argument for Holbrooke. His speech, as he prepared it for publication, is over twenty-seven thousand words in length.⁷ The plan of his argument followed generally the outline of the grounds upon which the Holbrooke case had been appealed. Orkin was not content, however, with the well known arguments for loose construction of the Constitution as they had come from the pen of John Marshall and the lips of Daniel Webster. He chose to examine the grounds for these arguments. In so doing, he revealed himself as an able scholar of history, legal precedent, and political philosophy. He reiterated

⁵Id., 12-27.

⁶Id., 12-28.

⁷Id., 12-29.

his exceptional knowledge with a simple, lucid, and stylized style of exposition. His speech is a model of amplification, and combines a subtle emotional and ethical appeal with almost faultless logic and without ornamentation. Of particular significance is the way van Brinker's treatment of sovereignty, which went right to the base of the individualism theory. He summarized his point of view:

We are accustomed to speak of sovereignty as the source of power; but, are they not in truth, synonymous terms? Are they not different forms of expression for the same attributes of the same being, one, whether in a state of nature, or a state of society? We have seen in the case of the desert, and of the shipwrecked on the desert island, that the individual sovereignty can divide his power. We have seen, in the case of the French Senate and people, that the political sovereignty can divide his power. If power be the only thing and manifestation of sovereignty, that is of the will of the sovereign, and if power can be divided, on what principle of moral logic can we resist the conclusion, that sovereignty is divisible? This becomes still more evident, if I am right, in my further view, that sovereignty and power are really one and the same thing. They are the same, not merely the right of a sovereign to act. In the nature of things, they can be dividedly used, it is a matter of fact that they have been, from the earliest society we first found. . . .

I trust I have now established on the principles of sound practical political philosophy, and by familiar illustrations, that power is the test of sovereignty; that sovereignty and power are, when rightly considered, one and the same; that power can be divided, and therefore that sovereignty can be divided; that divided power is divided sovereignty. I proved to show, that no divided sovereignty was attested by the records of our political history, as is the doctrine of divided sovereignty. 12

The opening argument for the state was given by Finley. The only actual account of his speech is the reporter's summary.⁸

⁸The reporter noted Finley's "earnest remark" that his "political philosophy" be preserved. Ibid., 36.

apparently he undertook to refute Orin's in toto, without regard to repetitions between his and the argument of other members of the council for the state. In the conclusion of his speech he pointed out that his view "rested on the broad basis of State Sovereignty . . . as absolutely essential, not only to the strength and beauty, but to the very existence of our Federal system; . . . and that Clayton's was in its nature the negation of sovereignty only"

Next, following Finley, placed immediately into refutation of Orin's. He did not question Orin's argument that it is inherent in the American system of government that "the Judicial may override the legislative authority, and there may be an appeal from the law to the Constitution."¹⁰ He did contend, however, that "It is incumbent upon the appellants, to show not a doubtful case, but a clear case of conflict between the law and the Constitution." He supported the argument with a quotation from John Marshall to the effect that "The opposition between the Constitution and the law, should be such that the Judge feels a clear and strong conviction of their incompatibility with each other. There were explicit the Judge Nathan of North Carolina: "The validity of a law might not then be questioned, unless it is so obviously repugnant to the Constitution, that even pointed out by the Judge, all men of sense and reflection in the community are justified in disregarding it."

After thus attempting to lighten his burden of rebuttal, Keith went to the core of the case. Drawing upon Coke and Blackstone, he

¹⁰ Ibid., 73.

defined allegiance as the "greatest obligation of duty and obedience . . . due from a subject . . . to the supremacy or sovereignty over him." Sovereignty, he contended, is "that power in a state, which is supreme, irresistible, absolute, and uncontrolled." This led to a direct clash with the argument of Oakes that sovereignty and power are synonymous:

The impression that sovereignty may be divided, has originated from confounding sovereignty with the powers that sovereignty may exercise. Sovereignty is not in power, but in him who possesses it. Power is an attribute of sovereignty but it is in no sense sovereignty, since the actions or conduct of a man, are the men. All sovereignty, whether residing in the people, in a republic, or in the will of a single man, is in a clear person, must exercise power in the true sense of Government, and those powers must be exercised by agents. The dignity alone may will, judge, and execute his will.¹¹

According to Smith the next question to order was: "was there ever any sovereignty in North Carolina? and if so, where was it?" Citing the Declaration of Independence, the North Carolina Constitution of 1776, and numerous acts and events prior to ratification of the Articles of Confederation, he concluded that "the State was sovereign," and the "power was in the people." He closed this argument with one of many internal transitional sentences he used throughout the speech:

Having now shown, that allegiance is due only to a sovereign, and that sovereignty is that authority in a State, which is supreme, irresistible, absolute and uncontrolled, and that North Carolina once possessed this high attribute, the next question which naturally arises, is, how the State parted with her sovereignty? Was she then already partially surrendered, she has either parted with the whole, or she retains the whole of her sovereignty. A divided allegiance to a divided sovereignty, is an absurdity worthy reward of in any country,

¹¹ *ibid.*, 44-45.

civilized or barbarous, and leads to consequences as spontaneous as they are terrible.¹²

Now he returned to elaborate and strengthen his support of the theory of individual sovereignty.

The next argument, which followed logically, was introduced by the question: "Has South Carolina alienated her sovereignty?" Again he'd attempted to increase the burden of proof of the secessionists: "Allegiance was once due to the State, and the oath of duty was therefore once plied; when this oath is to be changed, it should be distinctly notified not, that the pliancy and the obedience, the allegiance and the jurat, are equally changed the source."¹³ Since the state could have parted with the sovereignty only through either the articles of Confederation or the Constitution of the United States, he proceeded to quote the Articles to the effect that "Each State retains its sovereignty, Freedom and Independence"¹⁴ He said that the contention that the states had not "renounced their sovereignty expressly,"¹⁵ through the Constitution "probably ought to settle the question for that purpose, in the absence of any express declaration, not be sufficiently strong to prove that a nation has voluntarily renounced her self-existence, and has degraded herself into an ignominious dependent."¹⁶ In the article of adoption and ratification of the Constitution there could not find "any intention of surrendering the sovereignty of the States."¹⁷ From the history of the controversial, he concluded that the "people of the United States" power was substituted for an

¹² Ibid., 77-78.

membership of the states, because the condition required was stated to
 not be.¹⁰

Smith admitted some plausibility in the argument that since
 treason was defined in the Constitution, and treason is a violation of
 allegiance, the United States is sovereign. He argued, however, that
 "originally, undoubtedly, treason consisted in a violation of alle-
 giance—but this principle was departed from by successive violations."¹¹
 Therefore not a few such departures and violations sufficed for proof.¹²

In refutation of the argument that reference to citizens of the
 United States in the Constitution was evidence of sovereignty, Smith
 used a favorite technique of deconstruction. Although he contended that in
 its original meaning the term "citizens" had no relationship to sover-
 eignty, he admitted for the sake of argument that the term had been
 enlarged to imply sovereignty. Then, he proceeded to demonstrate that
 all citizens of the United States are so by virtue of citizenship of a
 state. He concluded his reasoning on the point by asserting that persons
 living in a territory owed allegiance to their native states until the
 territory gained sovereignty by virtue of becoming a state.¹³

Smith disposed quickly of arguments concerning implications of
 the procedure for amending the United States Constitution. It was his
 point of view that a state admitted as a sovereign is as much more by
 three-fourths of the states because it was more desirable than the

¹⁰ Id., 94-95.

¹¹ Id., 104-105.

¹² Id., 100-101.

alternative of secession. He labelled any argument that the states have no right to secede as "toggling the very question to be proved."³⁴ If the other states should see LA to secede as a seceding state, that was no more than sovereign nations had done throughout the history of nations. The same reasoning could be applied, Smith thought, to the guarantee in the Constitution of a republican form of government to every state. He considered the guarantee solely against foreign aggression, but, admitting that it placed an obligation on each state, the alternative was secession for a state which wished to change its governmental form.³⁵

Dealing finally with those clear "verbal criticisms" Smith came to the "third ground, on which it is said that the sovereignty of the States have been extended, viz: the important powers parted with by the States, and conferred upon the General Government by the Constitution of the United States." Here he went into detailed citations of acts of the states during the Revolution and into an analysis of the checks and balances system of federal government to show that the states alone were sovereign. He restated the Federalists basic argument on federal powers:

All powers over the body politic are sovereign powers; and the greatest not more so than the least. It is true that some powers are more important than others, but their stature is the same. They are not self-sufficient, but are more virtuous, and appropriate, to the body politic, to the great source of all power, the sovereignty of the State. That Government, and the powers of Government, are mere trustees that those who state that are merely agents of the people, are principles to

³⁴Id., 104-105.

our American institutions, scattered all along the records of our Revolution, . . .

There is no sovereignty in the General Government as against of the people it possesses. The General Government, like all other Governments, is an agency established by the States. All of its powers are trust powers, belonging ultimately to the States; and those who wield them are the agents of the States.¹⁷

In summarizing the first three-fourths of his speech, Keith made an admission which was noted upon by the audience and was admittedly embarrassing to the military. It apparently revealed Keith to be interested in his support of the allegiance oath as asserted by the legislature.

I deduce from the above views, that the State of South Carolina was once a sovereign State; that never having renounced her sovereignty, she is now sovereign, and that the allegiance of a citizen of S. Carolina, is due alone to her. If the oath in the Military BILL be the oath of exclusive allegiance the Ordinance prescribes, it would not conflict with the Constitution of the United States, because that Constitution imported no sovereignty from the States, and has vested none in any other power. But the BILL does not require exclusive allegiance, at least according to the views of those for whose control or execution it was intended. They maintain, however, erroneously, that allegiance is due to the United States as well as to the State. The definition of allegiance in the Ordinance and the oath is empowered the legislature to make, was intended to counteract this error; and if the Bill was intended to carry the Ordinance into effect, like the Ordinance, the oath ought to have required "exclusive allegiance to any other power." All doubt would then have been removed.¹⁸

With the admission of the sovereignty of the act of the legislature, Keith came to the "second great branch" of the issue: "has the legislature of the State, by virtue of its general legislative power,

¹⁷Id., 125-126.

¹⁸Id., 126-127.

a right to require the oath the Bill prescribes?" He pointed out that the opposition granted that the legislature had all legislative power except where restricted by the Constitution; but they argued that either the oath in the Constitution and the bill were the same, in which case the latter should be rejected as "idle verbiage," or the two oaths were different, in which case the bill was unconstitutional because the "legislature is restricted by the Constitution from requiring any other oath than that in the Constitution." He then contended that the oath in the Constitution of the state was not an oath of allegiance. He quoted from several state constitutions to show how they distinguished allegiance from an oath to support the Constitution. He filled up even more evidence from the state constitutions in an effort to demonstrate that the oath required by the Constitution was not prohibitive. He quoted some constitutions which, in addition to the oath required by the South Carolina Constitution, prohibited any other oath. However, he pointed out: "In the State of Georgia, in addition to the oath in the Constitution, there are prescribed different oaths sworn of various officers, by the law. In Vermont, thirty-one. In Massachusetts, thirty-one; and in all the States, many more in addition to the one required in their Constitutions."¹⁷

Finally, Heith attacked the law of Congress as to oaths. He found that "In every department, civil or military, an oath is levied to bind the consciences of those who administer the laws." Here he

¹⁷Id., 309-313.

called an opportunity to invoke inconsistency to the question: "Will my friends on the other side affirm, that those oaths required by Congress, are unconstitutional, on account of the oath prescribed in the Constitution?" His next aim was to find them unconstitutional himself--"fully unconstitutional; but the question is, in requiring allegiance at all, not in passing another oath than that prescribed in the Constitution." In attacking this argument, he quoted none other than John Marshall, who had said: "The power vested in Congress my certainly be exerted into measures without prescribing any oath of office. The power to exact this security for the faithful performance of duty, is not given, nor is it indispensably necessary."²⁸ Furthermore, in support of Marshall's contention concerning the legality of the state oath, Marshall was quoted: "It, . . . yet he would be charged with issuing one should contend that the legislature might not extend to the oath directed by the Constitution, such other oath of office, as the states might suggest."²⁹

Just as he had disposed with an introduction, Smith ended his usual forced parenthesis. Following the strategic use of Marshall as support for his last point, he closed his speech with a summary:

I have confined myself, in the argument of this case, to the two great points, upon which, it seems to me, chiefly to turn. They, I apprehend to you, have been stated in the course of the discussion but they have been so ably and fully noticed by my associates in the case, and are so intimately connected with those I have discussed, that I deem further argument upon them unnecessary. I trust that I have shown, that the State has a right to the exclusive allegiance of her

²⁸ Id., 121-122.

citizens, and whether the act is the Military Bill is considered as passed by the authority of the Ordinance, or as a mere act of the legislature, passed by the authority of its general legislative power, is a equally constitutional.²²

Polign's brief speech,²³ although largely repetitious of Article's arguments, was more emotional and concentrated upon the political nature of the act as a means of suppressing opposition to military action. He set the tone early in the speech:

The decision must affect, not merely the freedom of an individual, but the rights of many thousands of the people of this country to be accounted free; is which not the liberation of a few acres only, but the birthright and portion of every one who does not subscribe to the prevailing creed, are at stake. . . .

This civil inequality with which we are assailed, extends not merely to officers in the militia, but to all places of power and trust under the authority of the State and not to the right of holding office merely, but to every executive, judicial and civil privilege. For, by the provisions of 1831, the principle of disfranchisement is adopted in the broadest sense of tyrannical and though the disability in question, applies, in this instance, to military office only, there is nothing to prevent the extension of the principle to all civil rights and executive stations.²⁴

Polign concluded his speech with reiteration of the same theme:

I am possessed with a very strange delusion, if this very law is passed it does not appear a political law. Such are the WHIGS. The end of all these things, is liberty a free constitution cannot co-exist with this dangerous and partial power, in the hands of the ordinary legislature. I repeat, therefore, to the fundamental principle of the revolution, which I take to be absolute principle, and directly what

²² ibid., 133.

²³ ibid., 123-124.

²⁴ ibid., 116.

the constitutionality of this law to the judgment of the court.¹⁴

The remaining speeches by McMillan, Williams, Handley, in opposition to the bill, and Flanagan, supporting the bill, did little more than amplify various arguments already presented by earlier speakers in the case. Thompson's speech was not published.

The decision in the case went just as everyone thought it would. Two of the judges, David Johnson and J. E. O'Sullivan, were known as devoted unionists; the other, William Barker, had been the author of the 1891 Ordinance of Nullification. Their respective opinions on the constitutionality of the test oath were consistent with their party affiliations. Fundamental to O'Sullivan's opinion was his conviction "that allegiance and disloyalty are convertible terms, and that as one allegiance or disloyalty to both governments, to the extent of the constitutional powers conferred on each."¹⁵ He held that "the Convention had no right to pass the ordinance defining allegiance, and to authorize the Legislature to pass laws to carry it into effect." Consequently, he did not consider it necessary to treat the conflict between the ordinance of the convention and the Constitution of the United States. On the other hand, he found no authority for the legislature to enact such an oath. "For the people, and not the legislature, have the right to prescribe the duty of the officer in that respect. They did prescribe it in the Constitution, and the act of the legislature is

¹⁴McMillan, *ibid.*, 123.

¹⁵O'Sullivan, *ibid.*

was constitutional and valid.³⁶ Johnson, the presiding judge, went into more detail. He gave attention, first, to the "great responsibility" he was imposed on the court, then "in the angry discussion which has grown out of this controversy, yet which is still continued with increasing vehemence, all the hot passions of the human heart have been carried to the highest pitch, and that nothing but an overriding sense to quell them bids action." After tracing the constitutional history of South Carolina and the nature of allegiance, Johnson concluded:

The allegiance of the citizens of South Carolina is due to both the State government and the government of the United States--that the State Constitution having prescribed the form of an oath on that subject, the Legislature had no authority to change, add to, or alter it. That the Constitution having been called for a specific object, and that object having been obtained and accomplished, the Legislature could not derive their authority to require an oath of allegiance, in a different form, from an ordinance of the Convention, subsequently passed. But, that, if the people should think fit so to amend the Constitution, as to authorize the administration of an oath of allegiance in the form prescribed by the act of the Legislature of the last session, there is nothing in the Constitution of the United States opposed to it.³⁷

Harper's opinion was in conflict with the other two on every significant point. In fact, his statement of the case was little more than a paraphrase of Sumner's speech, except that he did not admit the sovereignty of the law. He began with definitions of allegiance and sovereignty, which led him to a treatment of the nature of the United States as a confederation of sovereign states. He held that even the division she believed the United States to be "a single consolidated

³⁶ 24 Dill, 333-334.

³⁷ 24 Dill, 334-335.

action entitled to exclusive allegiance" should be able to exercise and abide by the oath, "until an act of nullification or secession shall be passed. . . ." He thought the ordinary office holder might pass his life in office before such a conflict between the two governments should arise, "but when it does come, undoubtedly he will be under the necessity either of violating his duty to the United States, or of violating his oath, or of resigning his office." He did not think this an unreasonable condition for the state to impose; rather he considered it the "hardest liability" for the state to contract voluntarily to those who might take use of it to defect and destroy her.¹¹

In the last oath debate, which was perhaps the most important political encounter of his entire career, Smith appeared out of obscurity. The youthful Attorney General, of relatively quite limited legal experience, could not be expected to equal his two distinguished former tutors, Calves and Polign, in his eight short years in public life. Smith had made considerable gains in respect and renown throughout South Carolina. His reputation, however, resulted from his presence in heated legislative debate and excited oratorization of the partisan political crowd. By nature and training he was at his best when speaking of "oppression," "tyranny," "liberty," "transcendence," and the "right of revolution." In the oath case he was in the presence of the best legal talent of the state, both on the bench and at the bar, and he perceived the inappropriateness of his usual fervid phrases. As a former student of Calves and Polign, he knew the methods and capabilities

¹¹ ibid., III-III.

of being he knew that his characteristic fireball manner would appear incongruous with their educated dignity. However, his responsibility was great. Although the decision of the court could not be won, the issue of state sovereignty must be given the best defense possible. Burke's eager ambition and devotion to South Carolina motivated him to try to state the case for exclusive state allegiance as best any South Carolinian could be proved to acknowledge it as his creed. Thus, he decided, perhaps wisely, to state everything on other reasons. Burke would wind his way through the labyrinth of logic with a sense of enjoyment which infected his audience, and both he and Polkyns could skillfully answer strong personal and emotional appeals in learned discourses on history and philosophy. These things Burke could not deny but he would check when his opposition in orderly arrangement of ideas and logical relationships of proofs. Perhaps he did not care that his bare logic appeared lifeless and lifeless. If he did, he must have wished that he could have infused his creed statement with some of his natural brilliancy without rendering his composition incoherent.

The press gave due attention to the questions of the major councils in the north zone. The Journal, for example, carried a full column each of two days giving a limboing sketch of Burke's speech.²² The Mercury, on the other hand, gave brief summaries of all the speeches. Although it considered Burke and Polkyns "thoroughly and satisfactorily answered by Mr. Finlay, . . . and by the Attorney General, . . ."²³ It expressed only amazement at Burke's admission of

²² Conclusion by Journal, April 3-4, 1836.

subject is the main.

Then we heard Mr. Keith say this, as how it could be made a matter of. . . . Perhaps Mr. S. thought that, out of constant routine, the both should have informed these citizens of the fact, that allegiance was one, and indistinguishable holding, as he correctly said, that as men have but one sovereign, and one set, one allegiance there could be, to himself, no subjectly is no oath which requires that allegiance (which is said) for South Carolina--though, at the same time it calls on the citizens to support the Federal Constitution, which says, as far as it affects him, only by the will of his State.²⁰

The minority, through two positions on the Court of Appeals, had won a significant victory. The state rights majority had to decisively repudiate the court decision affirming of the already weak foundation of their philosophy if they were to continue with any success the struggle with the federal government. The 1850 legislature had already given final passage to an allegiance amendment to the constitution in anticipation of the action of the courts. Thus the 1850 campaign for the legislature became a desperate struggle. The state rights faction could rescue their rallying point by the Court of Appeals only by keeping their two-thirds majority necessary for final passage of the constitutional amendment. The union faction could nullify their significant victory if they could win more than one-third, before gave the nullifiers thirty-two to thirteen in the Senate and already-there to thirty-two in the House.²¹

Thus, when the legislature convened in November, 1850, the state rights group had sufficient numbers to rush the allegiance

²⁰Washington Daily Mercury, April 8-9, 1850.

²¹Greaser, Nullification Controversy in South Carolina, 26-28.

amendment through the usual passage with more than the constitutional two-thirds majority. The minister's only defense, other than the potential South Carolina cry of the oppressed minority, was that the state rights group had not won two-thirds of the popular vote of the state.¹² A bill was introduced to reorganize the state's court system abolishing the Court of Appeals, thereby obtaining revenge on the two judges who had declared the oath of allegiance unconstitutional. In a response to placate the higher ministers and bring about a highly desirable state unity, the court bill was dropped and the allegiance amendment to the Constitution was altered to include challenges to the Federal government. The amendment then was adopted by a unanimous vote of the legislature. The following year, after minister judges had further eliminated the state rightsists, the bill abolishing the Court of Appeals was revived and adopted; the court was not reestablished until 1869.¹³

Scott took no public stand on the action of the legislature on the oath amendment. His younger brother, Albert, however, served notice in the legislature—where he was serving his first term from 18, Nelson Perdue—that he was writing for the amendment with the understanding that it meant exclusive allegiance to the state.¹⁴

¹²See ibid., 351-355, for maps of the relative vote throughout South Carolina.

¹³ibid., 354-355; Wallace, History of South Carolina, II, 426.

¹⁴Scott, Robert Harrison Scott, 35. Scott's older brother, James Scott, was an active member of the Union Party during this entire controversy (Charleston Daily Mercury, April 6, 1861).

During the remainder of his term as Attorney General, which was an exceptionally quiet period in South Carolina politics, Smith gave considerable attention to various non-political interests, avoiding political controversy. He joined the Episcopal Church and became involved in religious matters.³⁵ He was active in the Long Run's Free persons Society of Charleston and became Secretary of the Charleston Port Society for Promoting the Gospel among Slaves.³⁶ At the same time, he undertook to broaden his educational accomplishments and became active in the Society for the Advancement of Learning, where he took the lead in an attempt to revive the Epistemon Society.³⁷

Thus ended a stage in Smith's life and a period in the history of South Carolina. During his term as Attorney General Smith seemed to have rather suddenly reached a wider activity. If he had not softened his preferences for the use of the right of revolution to slavery mastership in the Union, he seemed to have learned something of the futility of resistance. According to Hinks, during this period of "profound readjustment in his political outlook, . . . he now accepted Calhoun's political theories, accepted them implicitly and prepared himself to support with all his abundant energy Calhoun's purposes and desires to preserve the Union as well as to protect the South."³⁸ On the other

³⁵New York Graphic Ledger's Illustrated Messenger, Feb. 7, 1855.

³⁶Charleston Daily Courier, May 12, 1855; Charleston Daily Mercury, May 12, 1855.

³⁷Charleston Daily Mercury, Dec. 7, 55, 1855.

³⁸Hinks, Robert Turnbull Smith, XI.

land, South's contemporary, McCarter, believed that he

only gave in to that doctrine [nullification] because he thought it would result in secession. . . . Mr. South . . . believed the exercise of this right would precipitate the country into war, and the ultimate result would have been the separation of the South from the North.¹⁷ During nearly the whole of the political life Mr. South openly advocated this separatism and clung to the control of Mr. Calhoun with unshaken determination.¹⁸

Willson suggested that the end of the nullification episode actually "opened rather than closed an era." He found that the period of the nullification controversy divided the "Nationalistic, expansive period of the Revolution and after from the following intensely national period of the latter generation."¹⁹ Spitzer quite aptly acknowledges the significance of that latter feeling:

perhaps the chief product of the troubled early 1830's was the strong charge of section added to section that had hitherto been on the level of thought and misadventure. In the previous decade, something of a Southern platform on national issues had evolved. Calhoun saw that platform contained many weaknesses that their interests were widely respected by the rest of the nation and that the fabric of their way of life was being destroyed. A feeling of oppression, of defeat, and even of desperation was engendered. The discussion and the quality of this state of mind cannot be precisely described but it was militantly real and vigorous to date after the Nullification Ordinance was withdrawn and after the Indians had opened the Mississippi. From this time onward, it is not always possible to explain Southern actions and attitudes by a national analysis of the facts in each new episode. In addition to these facts one must take into account the national tension and the state of mind engendered in the earlier period.²⁰

¹⁷McCarter's Journal, I, 3-8.

¹⁸Willson, History of South Carolina, II, 452-453.

¹⁹Spitzer, Development of Southern Thought, 110-111.

Robert Marshall Halli was a product of the conditions which produced that state of mind in South Carolina. Furthermore, through his fiery and agitated public speaking, he had contributed his share to solidifying the irrational attitudes of his description. As Halli became more reasonable in his references in the 1850's and his state began to see its, their thoughts and feelings began to move closer together. It was to be a slow process, however, requiring twenty-five more years for the beliefs of the state to coincide with the expressed conclusions of Halli.

CHAPTER V

STATE RIGHTS PROTEST OF THE SAN JUAN ADMINISTRATION

Smith had equated himself well, if without distinction, as Attorney General. He had not retired from politics. On the contrary, he had established himself as an able defender of the theory of state sovereignty and one of the most competent spokesmen of the state rights faction. A life-long career in the state-center of South Carolina politics seemed almost inevitable. Yet, he had expressed an ambition, apparently, for other political office, and had refused when urged by his friends to become a candidate for Congress. In 1855, however, when William J. Grayson expressed his intention of retiring and asked Smith to be a candidate for his seat in Congress from the district comprising Sumner and Colleton Districts, Smith agreed. Later Grayson decided to run for reelection. It was customary, according to Grayson, that the incumbent be supposedly honored, since Smith was absent from the state in attendance at a national convention in Knoxville. Grayson was unable to persuade him to ask that he withdraw. Consequently, Grayson later decided that he was a candidate against Smith. Apparently neither ran under any active campaign, but Smith won the election by a narrow margin.¹

Two significant changes occurred in Smith's life before he took

¹ Charleston Daily Mercury, March 25, 1855; Times, August 1855;
Smith Papers, II.

his seat in Congress. He suffered financial impoverishment from the crash of 1837, and, according to his own testimony, was offered aid by his former teacher, James L. Pettigrew.² In April of that same year, he and his five brothers changed their name from Smith to North in order to perpetuate the name of their former master, Colonel William North.³

Under his new name, North was initiated into political politics when Congress convened in extra session, September 4, 1837, in compliance with President Van Buren's proclamation of May 15.⁴ The purpose of the session was to attempt to meet the crisis in government finance growing out of the severe commercial collapse. Since 1834 the surplus government revenue had been in deposit with "pet banks."⁵ These deposits had served as a basis for inflationary measures on the part of the banks and land speculation. The Specie Circular issued by Jackson in 1836 had the effect of driving gold and silver out of circulation.

² See 1837 entry in Pettigrew below.

³ Miscellaneous Book File 5, 38, North Carolina Historical Commission, Columbia, S.C., contains official court records of the change of name in Judge Richard Smith's Court of James Place, District of Beaufort, Beaufort County, April 8, 1837. Charleston Daily Courier, Oct. 17, 1837.

⁴ North was a member of an able and distinguished North Carolina delegation and represented a district which had sent none of the last seven citizens to Congress. Other members of the House from North Carolina were John Campbell, William B. Lowrey, F. B. Moore, Hugh H. Lagers, Francis W. Pickens, and Walter Thompson, Jr. Senators were John C. Calhoun and William C. Foster. Cong. Globe, 35 Cong., 1 sess., 1; during those who had previously represented North's district were William Lowrey, James Hamilton, Jr., and Robert W. Barnwell. Along with the rest of the North Carolina delegation, except Lagers, North was listed in Washington as a Whig, but not for long. Miss' Journal, 1837 (Sept. 1, 1837), 10.

⁵ The term "pet bank" was applied to the banks where Federal funds were deposited.

banks, already straining their specie holdings by over issuance of bank notes, were unable to redeem their paper in specie. An act of 1835 required banks to redeem their notes in gold and silver in order to be depositories of the public funds. After the crisis came to a head in May 1837, with the closing of the banks, the government had no place to get funds and no way to pay obligations. Collectors of customs and land agents had to keep the public away in their possession, and, if the former depository banks failed to honor government drafts, the collectors were authorized to make payments on government obligations. Continuing the Jackson policy of divorce of government and banks, the new administration offered to the special session of Congress a financial plan comprised mainly of a bill for an independent treasury, or sub-treasury, and a bill for the issuance of treasury notes by the government. The opponents of these measures wanted restoration of the United States Bank.⁶

When the bill came to the floor reached Mississippi a controversy arose concerning the eligibility of John J. E. Calhoun and Samuel A. Calhoun, who had been elected in an election called by Governor Charles I. Smith of Mississippi.⁷ Smith, in his usual impetuous manner, plunged into the fray. He introduced a resolution that Wm. Williams, of North Carolina, the oldest member of the House of

⁶Arthur B. Schlesinger, Jr., The Age of Jackson (Boston, 1946), 227-231; Wilson, John C. Calhoun: A Biography, 284-287.

⁷For a summary of the background of the disputed Mississippi election see Dallas C. Mahoy, Samuel A. Calhoun: This Legend of the Old South (New York, 1944), 17-18.

Representations, he appointed to serve as Chairman⁸ until the House could be organized. He thought the question of seating Matthews and Malone could be decided by the House on the basis of the certificates of election presented by each member to elect a temporary chairman. Henry A. Wise of Virginia and others supported Mathis's proposal, but after Williams pointed out that the rules of the House provided that the Clerk hold office until his successor was elected the action was taken by a voice vote. The Clerk then completed the roll call and the House proceeded to elect James E. Polk as Speaker.⁹

Mathis was appointed to the Committee of Ways and Means, where he continued to serve throughout the two House administrations.¹⁰ Thus he had an opportunity to participate in the drafting of the financial bills for which the special session was called. Nevertheless, Mathis remained relatively silent on the floor of the House for the first few weeks after the House was organized, speaking up only occasionally to express his opinions at the state of time in debate when members of the body knew how they were going to vote on the bills under discussion.¹¹

On September 30 the House resolved itself into a Committee of the Whole and took up the bill reported from the Ways and Means Committee authorizing the issuance of Federal treasury notes. After the

⁸Am. Hist., 25 Cong., 1 Sess., 2-3.

⁹Waller Register, LXXI (Sept. 16, 1837), 16.

¹⁰Id., (Sept. 30, 1837), 77; Am. Hist., 25 Cong., 1 Sess., 41, 70, 78.

chairman of the Ways and Means Committee, E. L. Goddard of New York, had explained the bill and moved an amendment withdrawing six per cent interest on the notes, Thayer got the floor for his maiden speech. He opposed the bill, but at the same time he voiced an intention of introducing two amendments: "That Ways notes shall bear no interest" and that the Secretary [of the Treasury] be authorized to issue another kind of paper—this receivable is payment of the public debt."¹¹

Thayer supported his first proposal by contending that notes bearing no interest would circulate more readily so that domestic exchange could be handled on without embarrassment to the banks.¹² He declared as not "well founded" the argument that such bills would depreciate in value. His reasons for his second proposal were summarized as follows:

But, Sir, I prefer, in Treasury notes in any shape, the notion: this receivable is payment of the public debt. A Treasury note, if it is to be paid, for the redemption of which, specie must be collected and returned. A bill receivable in payment of the public debt, is merely a promise to receive, and has its promise fulfilled when received; the one, retards the absorption of a large amount of specie from circulation, but will actually be equivalent to an additional supply of specie to the amount of loans. The one, may bring the Government in collision with the banks in the delicate position in which they will be placed when they receive specie representative value will give the Government the means of collecting the revenue without encroaching in the least upon the resources of the banks. The one, is intended as a temporary expedient; it is a debt, and the debt must give to pay the other in specie on demand of collection, and

¹¹Ways, Globe, 87 Cong., 1 Sess., 73, and Appendix, 131. The Ways and Means bill provided no interest until after one year, when the notes were due. Then, if not paid on demand of the holder, they were to bear 5 per cent interest from the date of demand. The Senate bill, like Goddard's amendment, authorized 4 per cent interest on the notes from time of issue.

can be kept out forever, and be accepted or contracted as the mode of the country for the purpose of exchange and circulation may require. For these reasons, I prefer, in Treasury notes, bills receivable in payment of the public dues.¹²

In another terminology Thell stated cheaper paper money than that provided for in the Hays and House bill, which was in line with the "hard money" policy of the administration. He went into a lengthy refutation of the objection that the kind of paper he wanted would fall below par. He contended that this kind of paper issued by the Government during the Revolutionary War "contained six per cent gold and silver" until the loan was converted into million dollars, and depreciated only one per cent by the time forty-six million had been loaned. He further supported his statement with the argument that England had successfully employed similar notes from 1777 to 1813. But, Thell defined, if the notes should depreciate below par, the only effect would be a "mitigation of the tariff, and a proportionate relief to the people . . . making the same still" under the notes he proposed "a benefit."

Returning to the positive benefits of his proposals, Thell stated that such a scheme would be a "safe, constitutional, harmless, self-correcting method" of accomplishing the real purpose of a United States bank. He believed that purpose to be: "to equalize exchanges—to afford a general medium of circulation by which debts can be paid, and money transmitted from one quarter of the Union to the other without great loss and expense."

This brought him to the alternative—"the expedient yet best

¹²ibid., Notes, 15 Cong., 1 Sess., Appendix, 321.

project." He pointed to the failures of the attempts in 1894 and 1900 and to the disastrous situation of the state banks in 1897. Furthermore, that considered any connection of the Federal government with state banks as unconstitutional as the United States bank. Aside from constitutionality, he did not believe that "a connection of the Government will be of any benefit to the banks in the effort to remove specie payments." His last objection to the gold bank project--the patronage it gives to the Federal Government--he considered "intolerable" of itself. "I as a legislator," he said, "will never consent that more power should be given to this Government than strictly belongs to it." He pointed out that "when the connection with the banks was dissolved a few months since, there were eighty-six specie banks, being the leading banks in every part of the Union, under the control of the Secretary of the treasury." The influence of the government extended to all officers and stockholders of these banks and all other "banks in the same vicinity." In contrast with the wholesale patronage of this he quoted the Secretary of the treasury to the effect that the Department would require as more than thirty additional employees of the government.

His speech about two-thirds finished, Clark turned to his favorite theme. By way of transition, he could not "provide any constructive relief to the country" in either his proposals or the "gold bank project." He admitted that "the people unquestionably are distressed and embarrassed; but within the competency of this Government, limited in its powers, I can discern no higher or better means of assistance

than those I have suggested." He believed that the energies of the people would have met out their own salvation." But, before he closed, he started to say a few words about "the means of my threatened condition." The real source of all the trouble he faced to be the surplus revenue collected by the government.

And what produced the surplus revenue? The tariff—the American system—that poison still lingering in the veins of the body politic—that unrelieved and corrupt combination, as unprincipled as the partition of Poland, by which one nation of the Olden was plundered for the benefit of another.

After claiming that the tariff policy and internal improvements had resulted in such things as "inordinate issues" of paper money by state banks, Webb indulged in the same sort of triumphant claims for nullification which he had considered so fresh when in 1835.

And what, sir, would have been the situation of this country, if South Carolina had not nullified your tariff laws, and the same question still had not passed? Instead of thirty-eight millions, there would have been upwards of one hundred millions of surplus revenue in the hands, under the control of that corrupt and corrupt Executive [Jackson]. . . .

He pointed out that during two years of poverty, begun in 1832 by William Lenoir who represented the same district Webb was from, his state had seen the tariff policy grow stronger.

At length, all confidence in your justice, sir, completely departed; and the voluntary and share contribution was forced upon us, that on our right constitutional and right ourselves. South Carolina met the emergency in which you placed her as it became her. She nullified your tariff laws. And did you then enforce them? And not only Sir, I will tell you you dared not. It is one thing to sit here upon your stuffed hair-seated chairs, and legislate property of the South into the position of mere forced positions; and it is another to collect your black mail by the sword.

Quoting Congressman Richard A. Housley of Kentucky, who had said

in a speech a few days previously that the proposed tariff bill of 1855 was "to save the genius and identity of the South from an ignominious pillage," that considered such assertions "only worthy the hope or the shame of a man which can tolerate no difference of opinion, or which accords to any," he went on to remark:

That South Carolina has landed, upon the first glass of the horizon along our southern shores, her [identified] would have seen and known what the identity of the South really was, not in bloodless troops and metaphors, but in the stern realities of the tested field. Not only Carolina, but thousands of volunteers from the whole South, whose names are upon the files, would have met you in that fierce conflict; and if the man who lately ruled this confederacy were now than a monarch's son, and his chief followers were here that he, for he had personal attractions to qualify) had not met in the gaps of the South another South Carolina—if they had perished in our place, and had not found them our vast country for their forward, and with fire and sword Carolina had been annihilated, and not one free spirit had been left living or dying to strive for her rights—in her fall liberty would have been eternally lost, like the mighty Hercules of old, grasping the pillars of the Constitution, the Helen would have perished in her veins.

Declining in this vein, that argued that no free government could be a government of force. He considered it better to "separate at once" than to hold both the "globe and the halberd" as the means of establishing truth in the Union.

After saying that Carolina was "ever true to the faith which bore her to the rank of the confederacy," although even under the most favorable operation of the Constitution she must bear "an unequal portion of the burden of the Government," that concluded his fiery maiden speech as a note of hope:

After a spell of forty-eight years, we have arrived, accurately, at a new era under our Constitution. Let us forget the past, excepting in the lessons of fortresses and universities which its experience affords. For that noble faith, which I in youth

represent, I know I can with confidence anticipate her success. The greatest to remember wrong-doer must be rescued from—has great to practice those who will ever be true to the cause of liberty, the Constitution, and the Union.¹⁵

Stall's amendments were defeated in the Committee of the Whole on October 4.¹⁶ He did not submit readily to defeat, however. The next day, when the bill as amended in the Committee of the Whole came up in the House, Stall immediately moved to amend the first section by inserting in the second line, after the word "where," the following: "for bills reasonable in amount of the public debt;" and supported his amendment at some length, and went somewhat at large into the subject generally.¹⁷ His amendment was rejected in a division of the House that evening,¹⁸ but, still not to be outdone, Stall moved to amend the second section of the bill "by striking out all that part relating to interest."¹⁹ In an evening session the next day, Stall's second amendment required a division of the House but was defeated 127 to 81. Only twenty-six Congressmen from slave states, including all of the South Carolina delegation—except Pickens who was not among those voting—supported the amendment.²⁰

After failure of amendments by Rogers and others to bring the

¹⁵ Ibid., 10-40.

¹⁶ Ann. Reg., 35 Cong., 1 Sess., 100.

¹⁷ Ibid., 107.

¹⁸ Ibid., 107.

¹⁹ Ibid., 107.

²⁰ Ibid., 111.

treasury note bill soon took line with the proposals Smith had expressed. The freshmen Congressmen from California continued to try to have his way by setting a substitute bill. Then that was declared out of order by the Speaker, Smith introduced a motion to commit the bill to the Ways and Means Committee, which lost by a voice vote. Final passage of the bill essentially as reported by the Ways and Means Committee was accomplished in the House, October 3, by a vote of 187 to 54. The entire South Carolina delegation voted for the bill.¹⁷

Smith's persistent and frequent attempts to modify the treasury note bill, which was only a part of the overall program of divorcing the government from the banks, won him recognition from all factions. Gilmore had expressed his objections in the Senate to the whole keeping interests and had taken an unequivocal position for complete separation of the government and the banks.¹⁸ Whether or not Smith took Gilmore's statement as his cue for the explosion in the House on the bill, his persistent "gut-fly" efforts to carry through the changes desired by the bare of the coalition won him certain preference at the hands of Gilmore. Furthermore, Smith and Fishback were the only two members of the South Carolina delegation in the House who followed Gilmore in support of the ill-fated currency bill. The remainder of the group joined Freshman in opposition.¹⁹

¹⁷ Id., 124.

¹⁸ Id., 11-12.

¹⁹ Id., John C. Gilmore: Background, 20.

Although for a time there seemed to be little support in South Carolina for the position of Calhoun, Pickens, and Sumter on the financial proposals of the Van Buren administration, the Charleston Mercury, under the editorship of Sumter, remained faithful.²² After the return of the delegation to the state, however, and following the publication of Calhoun's "Highfield Letter" explaining his position, the state legislature endorsed the administration by a majority of over ten to one. The small part of the credit for this success in the legislature was due to the efforts of Sumter's younger brother, Albert, who led the Calhoun forces in the lower house.²³

Sumter had made a notably impressive start in his first session in Congress, but his initial efforts were not received with favor by persons of opposing political convictions. For example, John Calhoun Adams, who was a fifth cousin of Sumter's through a common South ancestor, described the maiden speech on the Treasury bill as follows:

Robert Marshall Sumter (Sumter hereafter) made a long, awkward, and literally hoarse a million-dollar speech. I say hoarse, for his pronunciation was so rapid, articulate, and confident that his head long beat as he spoke, with his face upcast, like that of a baying dog.²⁴

On the other hand, the Charleston Mercury, after a bit of high-ropes balancing with the positions of Calhoun and Sumter were

²² Charleston Daily Mercury, Feb. 6, 9, 1877; passim.

²³ Notes, John C. Calhoun Collection, MS. 2.1.1.1, Robert Marshall Sumter, 20. Sumter's elder brother John was also a member of the South Carolina legislature.

²⁴ Charles Francis Adams (ed.), Journal of John Calhoun Adams, 2d edn. (Philadelphia, 1895), II, 385.

clear, endorsed the treasury note bill with the changes that proposed. Pointing out that Sumner's proposals were the same in substance as Wilson's except that they went further, the paper summarized his reasons for protesting his amendments "with great violence."⁸⁵

Heading into the regular session of Congress in December, 1857, Sumner enjoyed the increased stature of an established Member of Congress. Their own feelings within and without South Carolina that Wilson and his followers had put expediency above principle in turning a "transitory" act supporting the seceding state.⁸⁶ Nevertheless, they were determined to carry out the will of the state as expressed by the state legislature. Other actions, however, of more immediate concern to South Carolina, required attention.

In December 1857, the matter of Elijah F. Loring, Union, Illinois, editor, had brought the slavery issue directly to public attention and laid seed to the arguments of both the abolitionists and the Southern slavery advocates. Consequently, Congress returned in December to the controversy over the reception of abolition petitions, which along with the Texas question, had inflamed the twenty-fourth Congress.⁸⁷ John Quincy Adams took out all the firebrands in the house on December 12, by presenting several petitions in opposition to the annexation of Texas.

⁸⁵ Charleston Daily Mercury, Oct. 8, 9, 1856.

⁸⁶ See Elias' Register, LXXI (Dec. 30, 1857), 583-585, for an interesting exchange of letters among Wilson, Henry Thompson, Jr., and others.

⁸⁷ Wilson, John Q. Adams's Collection, 873-875, 886.

The twenty-fourth Congress had adopted a "gag rule"²⁸ requiring immediate tabling of petitions relating in any way to the subject of slavery, but since the second session of the twenty-fifth had not yet adopted such a rule, Adams moved that the petitions be referred to a special committee. During his speech, on December 13, in support of his motion, Adams was called to order several times by Thell, Rogers, and others, for comments on the matter of Levee. After promising to keep his remarks in order, he was permitted to finish. At the end of the speech, Henry Vane of Virginia moved to lay Adams' motion and petitions on the table.²⁹ Thell was opposed to taking Adams' motion, because, according to Adams, Thell, of South Carolina, and some others of the slave-holders, were desperate for debate, and claimed the right to answer. . . .³⁰ The House was temporarily disrupted by passage of the motion to table.³¹

On December 15, however, William Claiborne of Vermont blew lustily on the molting horn by presenting two petitions favoring the

²⁸ Henry L. Pinney of South Carolina introduced the resolution and chaired the committee which drafted the gag rule. His motion, however, was like the ill-will of Calhoun and other South Carolina seignior lords, because his resolution and committee report did not deny that Congress had the constitutional power to legislate on slavery in the District of Columbia. The abolitionists and many other Northerners held that Congress had no power to interfere with slavery anywhere. Thus, Pinney was defeated for reelection in 1821 by Hugh S. Leggett, who, although a former abolitionist, was safe on the slavery question; Leggett had the endorsement of both the nationalist and states rights factions. Wilson, *John A. Jefferson, Abolitionist*, 473-476, 512-515.

²⁹ Am. Cl., 15 Cong., 2 Sess., 24.

³⁰ Journal of John Quincy Adams, II, 413.

³¹ Am. Cl., 15 Cong., 2 Sess., 24.

abolition of slavery and the slave trade to the District of Columbia. In a speech on the same date two days later Wade moved that they be referred to a special committee with instructions to report a bill to abolish slavery in the District. According to Adams, Wade's speech "shook the very hall into convulsions. Wives, lawyers, blacks, . . . and the whole hall were in confusion."¹²

As Wade went into an attack on the institution of slavery in general, Rogers interrupted and "implor[ed] him . . . to pause and seriously to reflect before he took another step on this ground before him."¹³ Wade continued in spite of frequent interruptions by Thayer, Wives, and other lawmakers on points of order. When Wade began discussing slavery in Virginia, Thayer insisted that that had to do with the question before the House. Before the Speaker could rule on the matter, Wives requested the Virginia delegation to retire with him from the hall. Rufus Bailey asked the Georgia delegation to do the same. Thayer followed with an announcement that the South Carolina delegation had already accepted and agreed to meet in the District of Columbia committee room at three o'clock. The Speaker, in the midst of the confusion, was attempting to take a vote on whether Wade should be permitted to proceed when Thayer got the floor again on a point of order and "urged the whole southern delegation, from all the slaveholding

¹²Journal of the Colored People, 11, 1834 Am. Slave, 15 Aug., 1834, 11 Aug., 1834, 11.

¹³Am. Register, 17th Dec., 31, 1833, 32. The account in the Am. Slave, 17 Dec., 1833, 11, is somewhat less detailed.

states, to meet forthwith in the committee room of the Senate,³⁴ Most of the Southern members then left the floor. The conference continued, however, until Adams and others were adjourned by a vote of 121 to 43. Immediately upon adjournment John Campbell of South Carolina announced that he had been appointed to invite the remainder of the Representatives from slaveholding states to join a meeting in progress in the Elizabeth committee room.³⁵

The inaugural Southern session, said to have been attended by thirty-four of the 121 Southern Representatives, has been reconstructed only partially by historians from the reports of some of those in attendance. Apparently little more was accomplished than an agreement to reconvene in the evening in joint meeting with the Northern Senators. Reported to have been attended by all Representatives and Senators in Washington from slaveholding states, except Henry Clay and Thomas Hart Benton, the second meeting lasted from seven o'clock until midnight. Although Calhoun appears to have dominated the meeting, he was unable to win adoption of his proposal, which was supported by Davis, that a Southern convention should be called to consider the slave question. Instead, the meeting agreed to reconvene the "next week," and the next day a resolution to that effect was introduced in the Senate by John Pickens of Virginia and was adopted by a vote of 122 to 74. During the vote John Quincy Adams declared, as he had in 1820, on

³⁴_{MS.A.9.2}

³⁵_{MS.A.9.2} Journal of John Quincy Adams, IV, 183.

getting into the record a statement that he considered the resolution a violation of the constitutional guarantee of freedom of speech.³¹

Sumner did not vote on the Foster resolution, and Calhoun undertook to regain the ground he and Sumner had lost. He introduced a series of six resolutions in the Senate similar to the ones he had fought for almost single-handedly in 1851. These resolutions defined the nature of the union as a compact, and declared slavery to come under the reserved powers of the states and, consequently, not subject to action by the general government. Further, slavery was entitled to protection by the general government from attacks from other parts of the country. The Calhoun resolutions, though considered too extreme by William G. Sumner, were adopted by large majorities in the Senate, thus affirming that the nullifiers had been right all the time and Sumner had been wrong.

Calhoun was pleased with his signal victory in the Senate, but Sumner worked action on still six resolutions. In two letters to Sumner, which were published anonymously in the Register, and in his address to the Citizens of Hartford and Colleton Districts,³² Sumner delineated his position. He claimed that while Calhoun was speaking he had drafted ten resolutions as amendments to Calhoun's motion but had not had an opportunity to introduce them. They were:

—and the constitution of the United States having proved inadequate to protect the southern states in peaceful enjoyment

³¹ Cong. Globe, 35 Cong., 2 Sess., 40; Register, 1856, Jan. 2, Calhoun; Register, 1856, Jan. 2; Times, Robert Reynolds Smith, 10-11.

of their rights and property, it is expected that the said constitution should be amended, or the rules of the states dissolved.

Secondly, that a committee of ten members from each state in the union be appointed, to report upon the expediency and practicability of amending the constitution, or the best means of possibly dissolving the union.

Smith had not expected his amendment to be adopted, but to be talked along with State's action. His intention was to "place before Congress and the people . . . the true issues upon this great and vital question and to point out the course by which it should be met by the southern states." He did, however, favor calling a convention of the slaveholding states, as advocated by Calhoun, because he believed that only through such a unified effort would it be possible to obtain the necessary amendment to the Constitution.

It was considered such an amendment necessary because Congress had permitted "free colored persons witnesses . . . to enter, for the purpose of assisting the institution of slavery in the south." The startling growth of abolition societies and the "astonishing liberality" in the northern press threatened to result in the abolition of slavery. "Throughout the northern states,--throughout the whole civilized world, the feeling of condemnation of the institution may be said to be universal." Only the people who knew the Negro best and were acquainted with slavery in the South looked upon the institution with "charity and sympathy." The "systematic interference, agitation, aggression and insult" by the North in regard to Southern domestic matters constituted acts of "unfriendly hostility," which would justify "by the laws of nations, a declaration of war between independent sovereignties." It

was vain to suppose that the South would continue to submit to such wrongs. In spite of cries of dissolution, Webb declared, "Peace we must have in, or out of the union."

Having thus developed in considerable detail the evidence that the Constitution did not protect the South in possible enjoyment of the rights and institutions, Webb outlined what he thought must be accomplished through amendments to the Constitution:

This only the power to abolish slavery in the District of Columbia, and in the territories south of the line established by the Missouri Compromise. That the subject of slavery has ever since out of the halls of congress, where it has been most faithfully introduced; and let our sister states agree to do, what the laws of nations require of every friendly people, restrain their citizens from meddling and plotting the overthrow of our institutions.³⁷

Webb believed that adoption of such amendments would give the South "reprieve" and perpetuate the union; or their rejection would "conclusively prove to the south that the union ought to be dissolved."

Faced with the alternative of breaking up the union, Webb argued, the South would yield to such amendments. The amendments, although necessary to the South, took nothing from the South. But the union was "too valuable to the south . . . to be sacrificed for the mere principle . . . of aggressing upon the rights of others." He considered the union the South's "very best guarantee for the continuance of their free institutions." From a conservative philosophical base he viewed the growing industrial democracy with alarm.

³⁷Johnson held that the power had never strictly be understood that enforcement, not amendment, of the Constitution was necessary.

The time is rapidly approaching when their population becoming dense, the competition for bread will be intensely increased, and universal suffrage, will give to those who have no property, the absolute control of the property and legislation of the country. . . . They say that lands the South in all the horrors, that the destruction of southern way is the most terrible that can be done to a fallen people.

The only hope for the South, North continued, lay in keeping the South as the "balance-wheel in this confederacy." Without the South, the North could only suffer the fate of history: "that it be remembered that no republic has ever yet been long maintained without the institution of slavery."

If, however, the North should be "too drunk with fanaticism as to destroy" the union, they would lose the South as a source for agricultural resources and as a market for manufactured goods. The North would become rivals with European nations resulting in conflict and war. The South, on the other hand, as an agricultural and free trade region, could expect "peaceful and friendly relations with every civilized and powerful nation in the universe."

In another agreement with Wilson, North concluded that the only hope of winning amendment of the Constitution to safeguard Southern rights and the union appeared "to be by a meeting of the southern states in convention." At the same time, North said that might have been a viable expression of irritation at California's presidential admission: "But when will such a convention meet? Not until the next presidential question shall be adjourned to Wiley and our local party differences shall be checked in the one great duty of self-preservation."

Characteristically impatient with vacillation, North felt that

postponement of action for any reason would only make correction of the situation more difficult. The abolitionists hoped for delay during which "perpetual discussion, agitation, and threats" would shake confidence in the institution of slavery. It was clear to Scott that the changes wrought by "King Cotton" in the South increased the threat to slavery:

There is no one so weak, but so most perverse, that whilst the spirit of abolition in the north is increasing, slavery in the north, in all the frontier states, is decaying. Look at Maryland, Virginia, Kentucky—once powerful slave states.

The states which depended upon slavery for their very existence had better act, Scott believed, before the rebellion in slave country in the border states permitted further spread of abolitionism. He said that "delay, not only physically but morally, will weaken every day our capacity to redress ourselves. . . . To delay denuding our rights is generally to abandon them."

Scott closed his letter to his constituents with a prophetic fear of the future:

We must, we will win,--if not to glory, be happy if not for defeat, for deterioration most miserable; if not to triumph,--be full, be die, with the spirit upon our graves, (if graves we are allowed,) written by the pen of philanthropy: "Here lie the wretched oppressors and tyrants who ever polluted the earth with their blood."²⁰

Scott's immediate purpose in this letter to his constituents seems to have been two-fold: to clarify rumors that he wanted to break up the union; and to win support for the proposed Southern convention.

²⁰ *Illust. Register*, LXXI (Feb. 3, 1860), 228-229.

His efforts, however, drew more attention than support. In spite of backing by Thayer in the Harvard Library, Sumner's own New-York was the only district in the state to take up the cry for an amendment of protection of the rights of the South or withdrawal of representation from Congress. A Southern convention could not be organized, as Thayer said he was short his proposed membership of the constitution.³⁷

More significant were the long range implications of Sumner's 1858 plea for seceding or secession. During late years before the crisis had settled from the State explosion in Congress, Sumner's "address" appears to have been important in bringing his name to national attention--and that attention focused on his theme of secession. Of further significance is the fact that Calhoun did not publicly dissent Sumner's arguments for a convention, but such is clear that the interpretation of the Constitution contained in his resolutions to the Senate was "the only interpretation of the document that stood the slightest chance of stopping the antislavery agitation" and avoiding the breakdown of the union.³⁸

From failure to win support for a Southern convention Sumner turned to more pleasing prospects in the politics of disturbance. "Thinking from the chaotic state of a late warring minister to a painful identification with it,"³⁹ Sumner devoted the remainder of

³⁷ Harvard July Library, Feb. 9, March 1, 1858; White, Robert Barnwell Sumner, 85.

³⁸ Wilson, John C. Calhoun: A Biography, 78.

³⁹ Journal of John Quincy Adams, 22, 224.

that session of Congress to winning influence within the Democratic Party.

In this more reserved role, he played fortification and deliberation in a dispute between Omaha and New York and deplored the thought of going to war "upon such indefensible terms."⁴²

In a brief speech on the disputed Maryland election pending out of the admission of Calhoun and Calisen to the preceding session of Congress, Smith argued that the election should be sent back to the people and a new election held. He believed the election from which E. B. Prentiss and J. E. Ford had been accredited to Congress was void because the twenty-fifth Congress, passing over the election he had offered at the time, had already accepted Calhoun and Calisen as the representatives from Maryland. If Congress desired to rescind that action, a new election would be the only legal means of showing acquiescence to Calhoun and Calisen. He repudiated accusations by Bell of Tennessee that Rogers controlled the North Carolina delegation on the matter, pointing out that only two of the state's representatives had voted with Rogers and that he, Smith, had expressed his views two days Rogers made up his mind. He spontaneously offered a resolution that acquiesce to Washington and return to Ford for Prentiss and Ford.⁴³ In February 5, the dispute resulted in a tie vote, 117 to 117. Speaker

⁴² *Comp. Clote*, 25 Cong., 2 Sess., 83.

⁴³ *Comp. Clote*, 25 Cong., 2 Sess., 156, 157, 161, and *Appendix*, 70-86. See *History*, *Appendix*, 70-171. For details of the Maryland election fight.

Polk voted as Davis and recommended and sent the election back to Mississippi, where Fremont and Ford were returned to Congress.

In a routine presentation of resolutions in the House, Davis introduced, on February 12, 1855, as amendments to the Constitution providing that: "No person who shall have been elected President of the United States shall be again eligible to that office." Perhaps he was attempting to give consolation earlier for his political god-father, Calhoun, by reserving his name from the eligible roster. At any rate, the resolution was laid over according to the rules and never was reconsidered.¹⁴

On May 11, the House took up a bill from the Ways and Means Committee to amend the treasury note bill passed in the preceding special session by authorizing the issuance of new notes in the place of those "paid into the Treasury and cancelled."¹⁵ The next day Davis unequivocally identified himself with the administration in support of the bill. Giving a detailed treatment of the finances of the country, he refuted the arguments of a South Carolina colleague, Walter Thompson, Jr., that the issuance of treasury notes was unconstitutional. In calm and deliberate language Davis referred to his state rights political philosophy, but pointed to the authority of the government to borrow money. He contended that the opposition to the bill was only an attempt to embarrass the administration. Always willing to be a writer, he

¹⁴ House Record, 35 Cong., 2 Sess., 185.

¹⁵ Ibid., 30.

and his stand in the room with the Bureau

If this Administration had continued to its strength, approving as I do nearly all of its measures, since I have been upon this floor, I should have been content to stand aloof, as I have hitherto done, and see it go on the career of constitutional weakness and delay; but the more it has failed, the more I have found myself to its devotion; and now, if it be to fall in violation of the great financial measures, upon which I believe it has staked its existence, I am willing, I am ready, to go down with it. Better to fall with those who fall in defence of the Constitution and liberties of the country, than to triumph with those whose victory, in my opinion, will be their destruction.⁴⁶

In spite of Sumner's apparently moderate tone in contrast with his earlier speech on the same issue, John Quincy Adams was particularly virulent in his criticism. After quoting Sumner of Kentucky to the effect that Sumner's speech was "a volume's worth" and William Southgate, also of Kentucky, who called it "an earthquake speech," Adams was particularly

Sumner's oratory is the no less direct of South Carolina rhetoric searching for eloquence; rhetoric inconsistent and absurdly . . . In delivering this rhodomontade he threw himself into parabolic attitudes resembling as of those by which John is said to have been discovered at the gate of Jerusalem, in Helen's poem.⁴⁷

On May 18 the bill was passed by a vote of 126 to 39 by the House⁴⁸ and, subsequently, by barely-over a whisper, in the Senate where Wilson, fighting off such formidable opponents as William G. Sumner and Daniel Webster, took the same stand Sumner had taken in the

⁴⁶ibid., 349-379, and Appendix, XII-XXI.

⁴⁷Speeches of John Quincy Adams, II, 319.

⁴⁸22 Cong. Reg., 25 Cong., 2 Sess., 379.

House.⁴⁹

North had remained silent on the Independent treasury bill in the special session of Congress and throughout the course of heated debate on a similar bill in the second session. He was brought to his feet near the close of the debate, however, by a speech in opposition to the bill in which George H. Prentiss "accounted with accuracy on the course of some gentlemen who had changed their political preferences, and were now advocates of this bill, and of the administration generally."⁵⁰ A few days later, on June 25, North got the floor for a "two hour reply,"⁵¹ his longest speech of the session.

In opening, North identified his speech as one of reflection of the attacks by Prentiss and even more personal charges by Ogden Hoffman of New York. He went further, however, to support the bill in general as a state rights measure. North argued that he came to Washington "called to us partly . . . [and] deeply distressed" of the administration, "but prepared to support it in every measure it should propose to the country consistent with those great political and constitutional principles I have ever maintained." As evidence of his early distrust of the administration he cited his vote for Bell for speaker of the House. But when the President's message came, North saw "in the financial policy it recommended, the very measure of our

⁴⁹ibid., 300-301.

⁵⁰Illness Prentiss, 128 (June 25, 1850), 371. The text of Prentiss' speech was not published. History, George H. Prentiss, M.D., n. 7.

⁵¹Journal of John Quincy Adams, 3, 85.

judgment, after mature deliberation at home had approved," he considered the Atlantic "target in the other wing of the Capitol . . . [attempted] to attract others for more work of public consideration than I am prone to be . . ." Therefore, he proposed to show

that the measure before you, separating the Government from all connection with the banks or the capital of the country, is a State Rights measure; and that the State Rights party, unless they were prepared to abandon their principles, could not have acted otherwise than they have done--support it.

Smith developed his reasons why he considered the Independent Treasury bill a state rights measure: (1) in contrast with the United States bank, the proposed bill was "clearly constitutional"; (2) the state rights group had introduced a similar bill in 1836, when the Free-Trade administration was opposed to it. In connection with the second argument Smith disagreed to divide Freestian. Quoting Freestian as declaring the state rights Section was thrown into alliance with a "corrupt administration," Smith attempted to turn the tables by saying "Sir, if I was to choose my allies, without any regard to political principles, I tell the gentlemen from Massachusetts I should be sorry to find myself in his position." Although a "State Rights Southern man," Freestian had allied himself with the abolitionists and attracted to the Whig Party on such measures as the tariff, internal improvements, and the United States bank.

Smith then went into Freestian's argument that bank notes were money. In reply, he noted the constitutional prohibition on issuance of money by the states and argued therefore that bank notes "represented credit, and constituted currency, but were not the money of the country."

But Shatt gave a rather involved treatment of President's new doctrine that, since their interests coincided, "the banks were the people." After showing the relatively small extent of capital invested in the banks and the small numbers of stockholders, Shatt went into a quite profound analysis of President's contention "that labor is capital, and capital labor; and that the interests of all capital, therefore, whether in banks or in any other form of investment, are the interests of labor and the people." Shatt agreed that "in the first stages of society, labor and capital may come in harmoniously together." He reasoned, however, that "as population increases wages inevitable fall below, until the minimum which can support life, is attained. At this stage, and long before this stage, a contest of interest arises between capital and labor." President was like a Ten Hours Democrat than usual, Shatt conjectured that "of all the devices invented for giving capital the ascendancy over labor, the banking system, as generally existing, is the most subtle and complete." The subterranean bill, on the other hand, would carry out the intent of the Constitution in keeping the government impartial to both capital and labor. Perhaps now, Shatt agreed, the proposed bill would contribute to "freedom in commerce" as well as in government.

In allusion to President's "bill cannot trade upon the wind . . . [which] would blossom" gave Shatt occasion to spend the last fourth of his speech in discussion of topics on which he had much practice.

Sir, why is it that the problems, on this great subject of agriculture throw his face to the North? Are his constituents, or else, the agitators, and seeking to dissolve the Union? Let the trouble that he and I daily receive upon this floor

answer. Why does he not turn his back to the North, from whence the aggression comes, and look upon the horrors the black crowd of harpies, who are winging off their heavy flight, and watching their heels for their feast of blood? How have already entered your doors and defiled your halls, and polluted the seats on which they sit. Are they the gentleman's allies, that you see so deferently in their hideous lineaments? Do they not "sneak divisions?"

What need us to explain that, since the South only resisted aggression in defense of constitutional rights, the spoken "insult" was inappropriate. Thus, he covered the personal attacks which had been made on him.

For myself, I will tell the gentlemen that hard words have not done service for me. My hair will not stand on end at the appellation of "secessionist" or "traitor." I was born, sir, of dissimulars and traitors. . . . Why, sir, every vein in my body swells with the proud blood of dissimular and persecuted "rebels" and "traitors."

What proved that on the symptoms of the secessionary had passed from attacks on him and had "descended freely on the legislatures of South Carolina" they alluded to nullification of the tariff. Referring to the alleged unconstitutionality of the tariff and the hypocrisy of Congress in taking the protective tariff's revenue measures, he argued that nullification was only lawful interposition against "unlawful aggressions."

The South Carolina "lawless" in her resistance? If she was, I tell gentlemen, it is just such "lawlessness" as they say she seek to denounce, as long as this Government persists over the destinies of a free and enlightened people. Oppression admitted to, even become willing and the spirit of liberty was thus beneath its influence. According to our constitutional provisions, justice and honor, the name of the Constitution and of the Union itself, required us to resist. Shall we highway rob and murder, but it will neither govern nor intimidate. You give up. You proposed a compromise, far more advantageous than that proposed for your acceptance in

the Senate, by a Carolina Senator, not two years before.⁵²

North explained that the "lawlessness" of Carolina would not be in vain if it helped to maintain the truth that "this is a Government of opinion and not of force," which was to supersede the interests of all without infringing upon any sectional interests. He concluded: "By such a course alone, can the Union be preserved, or be worth preserving."⁵³

Immediately after North finished his speech, the House voted on the extraordinary bill, rejecting it 125 to 111.⁵⁴ Two weeks later, on July 2, Congress adjourned until December.⁵⁵ Before returning to North Carolina, North, according to his contemporary biographer, was chosen along with Thomas of Maryland to draw up a declaration of principles for the Democratic Party. Webster wrote in, the "Address to the People of the United States" adopted by the Democratic Congressmen consisted the party in the Southern position, just as the Senate had done previously in adopting Calhoun's resolutions.⁵⁶

While North was ingratiating himself with Calhoun and the administration by support of the extraordinary in Washington, he was working in even more potent political force in North Carolina. The so-called "Whitt-Rhodes clique" demonstrated its strength in a special session of

⁵²North explained in a footnote to the published text that Hayes had proposed reducing the tariff in ten years to twenty-five per cent.

⁵³Annals of Cong., 35 Cong., 2 Sess., 577-578.

⁵⁴Annals of Cong., 35 Cong., 2 Sess., 477-478.

⁵⁵ibid., 585.

⁵⁶Wallace, Political Life and Services of Robert Barnwell Rhett, 25; Charleston Public Ledger, July 25, 1858.

re-elected. Rogers was defeated by a vote of two to one by James H. Wilson. On the other hand, Thompson, who attended his support for Calhoun, was re-elected in Calhoun's home district in spite of Calhoun's opposition to him. The election solidified Calhoun's control of the state.⁵⁸

During the campaign, on August 29, a dinner was given in Hartford in Thurtell's honor. Letters from Calhoun and Plummer declining invitations but full of high praise for Thurtell were read to the meeting. Among the toasts given at the dinner was one to Van Buren as "a Northman, one with Northern principles." In his "long and spirited speech" Thurtell defeated his resolution concerning dissolution of the union for which "the appliance was as long and long, that he was for some time unable to proceed." His speech was described by the Charleston Mercury as "a fine effort . . . [and] such a demonstration as a representative should always deliver to his constituents."⁵⁹

On September 12, Calhoun wrote to Thurtell congratulating him on his reception at Hartford but cautioning him against too strong support of the Van Buren administration. Calhoun asked Thurtell to use his influence with Thurtell to get the Mercury as good against the dangers of identification with the administration. By occupying the "old and independent ground" Calhoun thought they stood a better chance of getting

⁵⁸ Theodore D. Jervis, Robert T. Rogers and His Times (New York, 1907), 141-142; Wilson, John G. Calhoun: Politician, 295-297; Wilson, Samuel P. Rogers, 218-219.

⁵⁹ Charleston Daily Mercury, Sept. 4, 1838; Wilson's Biography, in Ceph. 15, 1838, 36.

the support of state legislatures who still could not accept the Party, and of winning concessions from the administration.⁶⁰

Sumner returned to Congress in December determined to use his strength in the party to win concessions for the South. As soon as Congress was organized a party caucus was held to draft a new set of resolutions to deal with the potential problem of abolition petitions. According to Wallace, Sumner called the caucus and then it adjourned,

delivered an address with his usual ability, and offered resolutions putting the rights of the South, perhaps for the first time in the House of Representatives, on high constitutional grounds. They were adopted by the party, and upon his suggestion that they would now with more effect from the South, were offered by Mr. Johnson, . . . and became the actual Southern Resolutions.⁶¹

Whether or not Sumner introduced the resolutions, they were essentially the same as those Johnson and several friends approved of during the preceding session. The resolutions declared that Congress had no power to "interfere between the Constitution of one portion of the States and another, [and] . . . therefore, That all attempts on the part of Congress to abolish slavery in the District of Columbia or the Territories, or to prohibit the slave trade were violations of the Constitution."⁶² These resolutions, designed to make abolition a party issue, were carried in the House by those in control over the

⁶⁰J. Franklin Johnson, ed., *et al.*, [ed.], "Wallace Correspondence," *Annual Report of the American Historical Association*, 1897 (Washington, 1901), 21, 107.

⁶¹Wallace, *Political Life and Services of Joseph R. Wallace*, 26.

⁶²*Ibid.*, 26; 35 Cong. 3 Sess., 13.

private of the Whigs, including such members as Henry Hall, who claimed that they were "not Scotch's resolutions."⁴³

Smith's only speech in the short third session of the twenty-fifth Congress was in defense of a Ways and Means Committee report on the "State of the Treasury and Expenditures of Government." The report, presented by Nathaniel in January 24, 1838, warned of the increasing expenditures for internal improvements and credited the "augmentation of the revenue . . . chiefly to the policy of raising more revenue than was required. . . ."⁴⁴ In attack on the report by Richard Smith of Pennsylvania elicited an immediate reply from Pickens and, four days later, a speech by Smith.

After dealing with less important objections raised by Smith, Smith turned to the "true cause of the gentleman's dissatisfaction" -- the report's opposition to the tariff. He contended that what Smith charged as "an error in fact, may be only a difference in information -- a difference in opinion." Contrary to Smith's argument that the country had followed a policy of protection since 1789, Smith believed that the first act "passed wholly and solely for protection" was in 1816. The first protective tariff which was "broadly and distinctly applied" was the Act of 1828. In that light the South had "the best blood of her England by our side, maintaining bravely for the great principles of justice and liberty."

⁴³ *Doc., 25-26, 111th, John C. Calhoun, 1837-38, 194; Journal of John Calhoun, 1837, 1, 67-68.*

⁴⁴ *Doc., 25-26, 2d Cong., 2 Sess., 1838, Richard Smith, 17 (Feb. 3, 1838), 174-175.*

From a brief and concise defense of the tariff position of the report, Davis went into support of the administration as an economy government. Then it had been unable to ascertain the blood members of Congress who worked for expenditures in their states. If Congress persisted in passing appropriations for internal improvements the expenditures would be not only by increasing the public debt. If the debt increased, Davis raised the question, "How can the tariff act of 1853 . . . be carried into effect?" The possibility of altering the act which was to put the government on a non-protective basis in 1854 tested Davis's revolutionary blood. He threatened:

I am ready at all times—ready now, within twenty, to meet the House and legislation would proceed When that great controversy comes, if I shall still occupy the seat amongst you, I have of late an independently filled, I shall not have come to take up the challenge of the gentleman from Massachusetts. I shall seek no gladiatorial strife. I shall touch no highly shield My position and participation in that conflict, when that is say, if useful, shall not be unknown.

On this occasion, however, Davis restrained himself from explicit mention of division or revolution.

He concluded with the contention that excessive expenditures involved more than excessive power and patronage and the tariff; it involved the whole question of consolidation versus the Federal system, and then threatened to "enlighten [sic] the Southwestern Slave." Here he drew a long analogy with the policy of Pitt the Younger in England. He believed that Pitt had deliberately designed the policy of excessive expenditures and indebtedness in order "to strengthen the aristocracy—to prevent the people of England from reforming or changing their government. . . . [There] the Union of England was

her Green, and the withdrawal of England their privileges, to the present capacity of William Pitt.⁴⁶

When North concluded, George Briggs of Massachusetts spoke in reply to North and Adams. Briggs mentioned the support of the protection policy by all the presidents, including Jefferson, and pointed out that Calhoun and William Lenoir had supported the tariff of 1816. North interrupted to say loudly that he was aware of all that, but

did not care one farthing what they had said, or whether they had advocated a tariff or no. He said his own opinions, and those he should continue to hold and to avow, though Mr. Jefferson, and Mr. Lenoir, and Mr. Calhoun, and all the South Carolina delegation, ay, and Andrew Jackson be here, and held opinions diametrically opposed.⁴⁷

Convinced that the opposition to the tariff was widespread, North devoted the winter of 1819, after the end of the twenty-fifth Congress, to attempting to attract leaders in the Democratic Party to strong support of the anti-tariff position which he and Calhoun had written into party doctrine. Speaking at both Federal Street, in his district, on July 4, North outlined his program. Anticipating renewal of the tariff controversy in 1821, he presented two constitutional alternatives to the protection tariff--direct taxation and equal ad valorem duties on all imports. His clear preference was the direct tax, because he believed such a tax was "open, not secret; . . . far more efficient in every . . . [and] practicable, cheap, and does not add to the power and patronage of the General Government." Above all,

⁴⁶Mass. State, 25 Cong., 3 Sess., Appendix, 135-136.

⁴⁷Ibid., 137.

He considered the protective system "partial and vicious."⁴⁷ Sumner closed his plea for the direct tax with a prediction that it would not be adopted. He argued strongly, however, that "the extent of our protection should be as great as revenue duty on all articles imported." Expressing hopes for Southern unity in restoring all efforts at further protection for manufacturers, he made his customary threat in his conclusion:

Will you submit? . . . Will you submit? I see your answer in your hesitating countenance. I hear it in the sobs from the port, still heaving in the public ear. We will not submit. The alternatives are before them, direct taxation, or an equal ad valorem duty. There is yet another alternative, which we will leave it to time to present—the sword. . . .⁴⁸

According to Walke, "Will of [Sumner's]" . . . efforts were vain. Both Sumner, accepting Calhoun's opinion, did not stir. Polk kept on old, and neither Democrats nor Whigs could touch the question pending the presidential election.⁴⁹

⁴⁷In support of his condemnation of the tariff Sumner performed some interesting arithmetical gymnastics. He showed that by adding to the taxes paid by the South the deficiency between that amount and what the region received in internal improvements, and, likewise, subtracting from the taxes paid by the rest of the country the amount they received in money of payments, the South paid more taxes than the other parts of the United States. He took the figures for 1834 to prove his hypothesis. The amount of revenue raised was twenty-one million dollars—seven million in the South, and fourteen million elsewhere. The South received a little less than two million back. Subtract the tax from the seven, and add the remaining five to itself and the result was that the South paid ten million dollars. The rest of the country received sixteen million in improvements, or five million in money of the total they paid in taxes. Subtract the five from the fourteen and the result was that the rest of the country paid only nine million.

⁴⁸Speech of S. Sumner at South Carolina House, July 4, 1839 [hereafter, 1839]. Copy in Manuscript of South Carolina Library.

⁴⁹Walke, Robert Forswell Sumner, 44.

When the twenty-ninth Congress opened, in December, 1865, another disputed election brought chaos to the House. Hugh L. Garland, Clerk of the preceding Congress, began the roll call by station. When he came to New Jersey he refused to proceed because he had conflicting evidence on the qualifications of five members from that state. At the same time, the Clerk refused to put any motion to a vote because the House had not been organized. After three days in a hopeless impasse, Garret offered the motion he had proposed in a similar situation in the first session of the twenty-fifth Congress: he moved that Lewis Williams be elected temporary chairman of the House. Again Williams objected. Garret changed his motion to John Quincy Adams, yet the motion to the House himself, and Adams was elected. Adams presided for ten days until the matter was settled and E. R. Taylor of Virginia was elected Speaker.⁷⁶

Although Garret took an active part in the proceedings of the House throughout the session, he made only a few extended speeches during the first session of the twenty-ninth Congress. Two of these were in regard to the New Jersey disputed election.⁷⁷ Another, which he did

⁷⁶Cong. Globe, 39 Cong., 1 Sess., 1-66; Wilson's Register, LXXI, 238, 241-242, 271, 302, 371; Journal of John Quincy Adams, V, 247-249. Although Williams was a candidate for Speaker, Garret voted for John T. Jones of Virginia for the first four ballots, for Oliver H. Smith of Alabama for the next six, and for Williams on the eleventh, when Taylor, an independent, was elected. Cong. Globe, 39 Cong., 1 Sess., 51-54. Garret has been credited with dissuading Williams from consideration in the party caucus prior to Williams' arrival, see Wells, Robert Barnwell Smith, 46; Wilson, John C. Calhoun, 221-222; Register, 1865-1866; Adams to James Oakes Garrison, Feb. 22, 1866, "Adams Correspondence," Ann. Hist., LXXI-77.

⁷⁷Cong. Globe, 39 Cong., 1 Sess., Appendix, I, 30.

and write up for the Journal of Commerce, was given on May 7, 1860, as a bill of John Quincy Adams for better execution of the laws for collection of import duties. North opposed the bill, he claimed, not because he feared protecting people who committed frauds on the revenue, but because he believed the bill was unconstitutional. His important constitutional objections to the bill were: it required witnesses to testify against themselves; it gave judicial power to tax collectors; it permitted excessive fines; it gave unreasonable powers of search. In addition to the constitutional violations of the bill, North objected to it because it gave excessive power to the President. In connection with this argument, he contended that the country "never should have proper and effectual responsibility in the Government" until a system of direct taxation replaced the tariff.¹²

North attempted numerous parliamentary maneuvers to kill the bill but, according to Adams, "with more pertinacity than success." After five days of debate and efforts to amend the bill, it was passed by a vote of 181 to 39, with North not participating in the final vote.¹³

After several months of consideration of a revised Independent Treasury bill in the Committee of the Whole of the House, North, on June 20, "took the floor, and, at much length, replied to the various

¹² Ibid., 180-181.

¹³ Ibid., 186, 187, 188; Journal of John Quincy Adams, 183-187; Adams' Autobiog., 1711 (May 18, 1860), 171.

objections urged against the bill. . . .⁷⁶ North went immediately to Philadelphia. George Evans of Maine had argued that the United States Bank was a democratic measure because it was adopted by a majority of the people. Reply to this argument took North time a detailed exposition of democracy. He argued that government by the majority without regard for the rights of minorities would be just as despotic as rule by one man:

The truth is, sir, this notion of the arbitrary will of a majority producing liberty, is not only inconsistent with Democracy, but with the ends of all civil society and private wealth, and the object of the written Constitution. . . . If the will of a majority would have been liberty to all the people of the United States, the Constitution could have been written on a half sheet of paper.

From this foundation of political philosophy North turned to objections that the arbitrary will was anti-republican or unconstitutional. He disposed of two arguments relatively quickly. In reply to the argument that the bill took power from the people, North pointed out that the Maine had argued from the specious premise that the banks were the people; he contended that the bill would give additional power to the people by taking it away from the banks and the President. In refutation of the contention that the purpose of the bill was to "conserve the banks," he argued that the intention of the bill was to aid the country and that any effects on banks would be incidentally the argument that it was destined to ruin the banks he thought too "stupid" to require an answer.

⁷⁶Quincy Adams, 25 Cong., 1 Sess., 475.

Wells then gave major attention to the principles of raising revenue. Someone in opposition to the bill had raised "the subject of direct taxation." The core of Wells's position was:

Indirect taxation—that is, taxing the items or foreign articles when imported into the country, is an admirable expedient for a despotism . . . (whereas) direct taxation is not only the doctrine of democracy, but it is the doctrine of the Constitution.

Wells was able to tie the battle into his argument against the tariff. He believed that the banking policy represented the constitutional tariff policy.

By expanding currency they [the banks] raise prices, and thus render it difficult or impossible for our manufacturers to compete with foreign articles in our own markets. Hence, a resort to the General Government, through the indirect taxation, by increasing the taxes on commodities imported, to exclude them from our markets, and secure a monopoly to the manufacturers.

Wells went on to denounce in detail how the inflationary measures of the banks operated "with terrible hostility on those who possess property" and plundered the laboring classes. He concluded his speech with a statement of the purpose of the treasury bill:

This Government was designed to be a hard money Government; and the bill before the committee, is intended to restore it to its constitutional position. The alternative presented by the opponents, of a United States Bank, involves the two worst evils fastened upon our country since the Revolution—privilege and irresponsibility; the one, the attribute of an aristocracy, the other, of a despotism.²⁵

Ten days later, on June 30, the anniversary, after having failed in the House for three months of the forty-fifth Congress, was

adopted by the Twenty-ninth, 18 to 19.⁷⁶

Webster's speech on the Independent Treasury Bill was the most sincere and reasonable statement of the Calhoun position that he had made in four sessions of Congress. Almost completely free of his flights of figurative language, the speech contained none of the blistering threats of division and revolution for which he was noted at home and in Washington. In this manner Webster equalled his logical efforts in the 1828 test with speech without sacrificing to an effort of words structuring his clarity of thought was aided by simplicity and concision in expression. Still, John Calhoun Adams, although he made no specific mention of Webster's manner in the speech, found his charge and of previous sufficient grounds for calling him "a South Carolina millifier of the slaveholder's cry, a compound of wild democracy and grounded slavery combined with the fatal error of State sovereignty—the magical brand of doctrinal selfification."⁷⁷

While antislavery Democrats Preston and Rogers were active participants in this struggle, the Calhoun-Webster leadership of South Carolina retained a degree of state rights independence by not attending the Democratic convention that reconstituted the Party.⁷⁸ Nor did the South Carolina Democrats take any active part in the national campaign.

Their hands were full in the state. Early in the first session

⁷⁶Annals, 18 Cong., 2 Sess., 495.

⁷⁷Writings of John Calhoun Adams, I, 305.

⁷⁸Charles H. Wilson, John C. Calhoun: Nationalist, 1802-1850 (New York, 1955), 11-12; also Annals, 1828 (2d S., 1828), 234-235.

of the twenty-eight Congress North, who found with Calhoun in Washington, made a quiet trip to Charleston. Immediately thereafter the Charleston Mercury announced the candidacy of former senator, John F. Richardson, as the "Unionistic-State Rights-Whiggery" choice for governor. Another former senator, Judge David Johnson, became a rival candidate. Johnson, fearing the strengthening of the North-South union, encouraged James H. Hammond, a true secessionist, to enter the race.⁷⁹ The designation of the Calhoun and Unionistic forces was completed by the election of Richardson—the first time a senator had held high office in the state since 1828. Hammond was pleased by being offered support for governor in 1845.⁸⁰

With South Carolina once more solidly behind Calhoun than before, and the state's votes having been cast with some reluctance for the forces after returns from other states had assured the election of

⁷⁹ Charleston Daily Mercury, Feb. 21, 24, 1845; Wallace, History of South Carolina, II, 176-177; Wallace, John C. Calhoun: Secessionist, II, summarizes the growing North-South rift in 1835: "William B. Calhoun, only a year older than Albert, had served a term and a half in Congress before becoming president of the State Bank in 1835. . . . Ben Calhoun was present in state affairs until his untimely death in the fall of 1841, and throughout there was a director in Calhoun's bank. Albert Smith, an brilliant as his 'brother' and probably more so, was the most influential single member of the legislature despite a degree of aversion that made him personally distasteful to many who should have been his friends. The two Smith brothers, James and Edward, were being groomed for political positions. The Charleston Mercury, edited by John A. Stuart, a newspaperman of the North, was both the propaganda vehicle for the secession and upon occasion a confidential spokesman for Calhoun. A further tie to the national political scene and those who ruled on it was through James H. Smith, the congressional member of Congress from Alabama, whose wife was a sister of the Calhouns. And to complete the picture, another Calhoun sister was married to Albert Smith."²

⁸⁰ Wallace, John C. Calhoun: Secessionist, 55; Wallace, History of South Carolina, II, 177.

Harrison and Tyler, Smith returned to Washington in December to assist in "laying out" the Tax Bureau administration. During the short second session of the twenty-sixth Congress Smith again took an active part in day by day activities but made only one "full-dress" speech. The Ways and Means committee reported another bill designed to meet the "temporary" financial embarrassment of the country--which had plagued the entire Tax Bureau administration and contributed significantly to its defeat. The bill proposed the issuance of five million dollars in additional treasury notes. Smith's speech, on January 21, 1851, made in reply to Henry Thompson, Jr., was a highly statistical defense of the bill. It gave a detailed account of the state of the treasury in an effort to demonstrate that the "deficiency in the Treasury" was only temporary.⁸¹

Probably more significant than any other action he took in the first congressional session of the Tax Bureau administration was a spontaneous remark which Smith made from the floor. Henry Vane of Virginia, termed Whig, made a comment while speaking on the treasury note bill about a member of the House from South Carolina who had proposed dissolution of the union in the 1832 nullification convention. Smith interrupted to inquire whether Vane was referring to him. Vane said he was, and that "if the newspapers at that time were to be believed, Mr. S. had actually proposed, or talked of proposing a dissolution of the Union." Smith replied that Vane was "entirely mistaken."

⁸¹ Ways and Means, 26 Cong., 2 Sess., 127-128, and Appendix, 26-28; also Register, 21 Jan. 30, 1851, 30.

either he nor any other member of the Convention of South Carolina ever proposed a dissolution of the Union, nor had any such proposition ever made or discussed in the convention."¹⁰

Then Sumter asked his flock the terms in the United States Congress—four years during which he had won a national reputation as a leader of the Free State forces and, at the same time, as a threatening witness ready to accept million dollars at every thrust to Southern "institutions." His partisan contemporary enthusiastically summarized Sumter's role during those years:

He, from the first, made a decided impression upon the South, and one of the few who commanded the attention of the body whenever he arose to speak, and soon established a reputation for ability and inflexible devotion to principle, which he ever after retained. He acquired, in fact, the position of a leader in the Democratic ranks of the South upon all important matters.¹¹

A more sound and unbiased historian says of the early congressional period of Sumter's life:

Sumter's had neither of all the arts of demagogue who instinct would serve his time, or slyly and smoothly as well-worn honey when personalness was needed. Sumter had been a radical since he first entered public life in 1828. He did not share the reverence of Calhoun's generation for the founding Fathers, and could contemplate without fear and without regret the possibility of a separate nation south of the Potomac. He went with Calhoun when the great Nullifier happened to be going in the same direction, and so were that was occasion his aid had been decisive. But he was too independent to be a good lieutenant and too powerful to risk turning into a foe.¹²

¹⁰Quincy Adams, 16 Cong., 1 Sess., 128.

¹¹Williams, Political Life and Services of Robert Remondell Smith,

2.

Williams, John C. Calhoun, Southwestern, 32.

CHAPTER VI

CRISIS PERIOD OF THE TOWN ADMINISTRATION

The election of a Whig President and a Whig majority in Congress in 1853 gave North a new role as a speaker and politician. During the Van Buren administration efforts had been made to win the administration support—work only for legislation favorable to the South, but to make Northern the half-supporter for the presidency. At the same time, it was hoped that Southern leaders would be convinced that the only hope for maintenance of Southern rights and institutions lay with the Democratic Party. As a faction of a minority party, the task of North and other Northern Congressmen was to be different. There was no longer any hope for Northern to win support of the Van Buren faction; the party must be won away from Van Buren and his followers. Furthermore, it was necessary to initiate the Whig program in such a way that Southern Whigs would be alienated from the party in power. To North this meant primarily an opportunity for a more forceful attack on the protection tariff policy.

He always had seemed to enjoy speaking for the "oppressed" minority, and, indeed, had continued to do so at every opportunity even when supporting Van Buren measures. When he seemed to achieve his greatest effectiveness when speaking for the opposition, the twenty-seventh Congress seemed to be made to order for North's talents. The same changed somewhat, however, with the death of Harrison and the

election to the presidency of Tyler, a Southern Democrat turned Whig. Nevertheless, upon the opening on May 11, 1841,¹ of the special session of Congress which Harrison had called before his death, it became clear that the South could expect little sympathy from the Whig majority in Congress. With the Senate under full control of Henry Clay, John White of Kentucky, a Clay partisan, was elected Speaker of the House on the first ballot.²

Before completion of the organization of the House, John Quincy Adams revived the perennial controversy over slavery petitions. Henry A. Wise moved adoption for ten days of the standing rules of the last House. An amendment was introduced by Joseph L. Caldwell of Kentucky to the effect that the rules remain in effect until a committee could report on revisions of the rules. Adams then offered an amendment that the "hasty-flirt" per rule prohibiting consideration of abolition petitions be rescinded.³

After "a bitter two-week struggle . . . [which] momentarily delineated all party lines save only that between North and South,"⁴ South took the floor in an attempt to "put this matter of abolition petitions on a stronger and higher ground; a ground which was practicable, and which would, be thought, unite the views of a majority of the

¹Annals of Cong., 27 Cong., 1 Sess., 1-6.

²John L. Wilson, John L. Caldwell, Kentucky, 18-20.

³Cong. Globe, 27 Cong., 1 Sess., 4; Journal of John Quincy Adams, 2, 470-471.

⁴Wilson, John L. Caldwell, Kentucky, 18.

House.⁶ He preferred settling the question for the duration of the twenty-second Congress rather than just for the special session. Soane, he yielded the floor to Charles Sumner, a Senator from Pennsylvania. After much objection from the floor, Sumner was permitted to read a resolution which substituted for the twenty-first rule a provision that no abolition petition be admitted unless it came from people "resident in the District or Territory where slavery or the slave trade is asked to be abolished. . . ."⁷ Despite Sumner's offer of a suspension which he and Sumner thought would settle the question for two years, the House adopted a suspension sponsored by a Whig, Alexander Clark of Virginia, providing that the old rules remain in effect until a special committee on the rules could report. Since the committee did not report until the day before the session was adjourned in September, the matter was postponed until the next session.⁸

With Congress organized, the Whig majority in both Houses indicated its path through the Clay program. It was again the American System: "repeal of the Independent Treasury Act; incorporation of a national bank; authorization of a substantial Treasury loan; enactment of a tariff to increase the revenue; and distribution of the proceeds from the sale of public lands."⁹ As would be expected, Sumner was

⁶Am. State, 37 Cong., 1 Sess., 51-52.

⁷Am. State, Register, 12 (July 1, 1861), 387.

⁸Am. State, 37 Cong., 1 Sess., 51-52.

⁹Wills, John G. Sullivan, Sectionalism, 37.

vigorous support to all those measures, which he considered unconstitutional and oppressive of the Southern slavery. He did not, however, publish complete lists of any of his speeches in the special session of the twenty-seventh Congress.

The first action to elicit a full-length speech from Sumner was the disputed tariff. On June 13, Joseph E. Randolph of the Jersey brought up a memorial concerning the tariff; debate ensued over whether the petition should be printed. After considerable trifling among Platts and others, Sumner got the floor to refuse charges that the Southerners were so sensitive about the tariff that they employed parliamentary devices to avoid discussing the question. He declared that any Southerner "had made any motion to adjourn, or any other motion whatever, with the avowed design of avoiding the tariff question," upon being corrected, Sumner admitted that John E. Little of Virginia "had done it, and he alone had done it." On the contrary, Sumner explained that "he [Sumner] had anticipated, at the last session, that the question ought to come up then. . . . But . . . neither party would touch it; neither wished, in truth, to show the South the actual position of parties north of the Potomac on the great question." Sumner thus called the bluff of the tariff advocates. He would use as reason why the tariff should not be taken up and acted upon at that session, "that he knew nothing would be done." He explained his position: "The sooner we leave the position of parties on this question, the sooner it is settled, the better for the South." At the end of Sumner's speech the House adjourned for the day, and the next day Randolph's memorial

was pointed without further debate.⁹

Before any of the Clay measures were debated in the House, the Whig majority made a change in rules to expedite the planned program. There was almost daily discussion of a new rule to permit a majority of the members present to suspend the rules to go into the committee of the whole and to discourage the committee as a source of slowing debate. After the change had been adopted and let Warren of Georgia read given notice of his intention of introducing another rule that "no member be allowed to speak more than one hour in any question under debate,"¹⁰ Whitt took the Floor. The House had just into the Committee of the Whole to discuss the Distribution and Trade-Patent Bill, the first of the Clay measures to come before the House, and had voted to not debate on the bill at seven o'clock. Whitt began:

Mr. Chairman, I am afraid the time has arrived when it is not only unpopular but unconstitutional for a Democrat or State Rights man to speak upon this floor. I rise under the extraordinary law passed this day; a law in my opinion contrary to the Alien Sedition law. The Alien and Sedition law suppressed the liberty of the press, and this law which you have passed today, suppresses the liberty of debate.

Whitt continued to speak until seven o'clock, then, after considerable wrangling about whether he should be permitted to continue, he was stopped by the committee chairman.¹¹ Whitt's arguments in opposition to the land bill were not recorded, but Adams commented that "Whitt was set off in the midst of a qualification trespassing."¹²

⁹Orig. State, FF Orig., 1 Ser., 100-101, 112.

¹⁰Ibid., 105; Elliot's Register, 12 (July 12, 1811), 303.

¹¹Annals of John Quincy Adams, 1, 107.

The second Clay measure to come before the House was a bill introduced, on June 25, by William Pickens of New York, chairman of the Ways and Means Committee, to authorize a twelve million dollar loan. Pickens spoke in opposition to the bill, on July 5, maintaining that government expenditures should be reduced. A colloquy ensued between Pickens and John Ferguson of Pennsylvania. Both came into the hall while Ferguson was speaking. With no indication of the personal animosity between himself and Pickens, Clark jumped to the defense of his colleague. He had not heard all of Ferguson's remarks; but he had heard his say that Pickens' argument that it was well to collect taxes in one part of the country and spend the money in another section "was an argument against the Constitution and against representative government." In reply to Ferguson, Clark explained that to maintain that national laws were evil and, for that matter, that all laws were necessary evils, did not imply opposition to the Constitution.

From this standpoint he drew into an expression of his love for the Constitution, "provided only that the restrictions in that instrument were strictly adhered to." He believed that, "next to the sacred book of God, the Constitution of the United States was the most perfect paper ever seen in the universe, and . . . [it would tell] one of the hardest sentences, not to the people of this country alone, but to all nations, should it ever go down." But Clark did not share the fear that the union would be dissolved. He knew of no instance in history of a confederacy being dissolved; in the contrary, confederacies "that always began were and were consolidated, till some military

spread upon and set his feet upon the neck of the snake." The South-
 eastern was "convinced by reasonings of the party, and by the most
 cheering hopes for the future; still Americans should forget both, they
 would never consent to break their bond of union." At the same time,
 South contended, the South had a right to demand that the Constitution
 be made to act as more equally than anticipated when it was adopted.
 All the South wanted of Congress was:

None is [the Constitution] what it was intended to say keep it
 above all suspicion by the purity of legislative action, let
 the General Government be what it was intended to be, and should
 against foreign nations, and leave local interests to the
 States. . . . Give us the Constitution, that is all we ask; we
 want no more, and we will not take less.¹²

South's position was upright and his tone was fine, but he
 did not mention coercion or revolution. Furthermore, his language was
 more explicit and less fanciful than in his earlier treatments of the
 equal role under the Constitution. Adams was more generous than
 usual with South when he recorded that the speech was made "in a tone
 much removed from that of his usual language."¹³

Four days later the Free Will was passed by a House vote of 116
 to 79, following almost strict party lines.¹⁴

Except to rise to the defense of the administration in the

¹² Rep. Docs., 37 Cong., 1 Sess., 186-187. The Washington
National Intelligencer, July 8, 1861, carried a slightly different ver-
 sion.

¹³ Journal of John Quincy Adams, 2, 187.

¹⁴ Rep. Docs., 37 Cong., 1 Sess., 191. The entire South Caro-
 lina delegation voted against the bill, including William O. Butler, the
 only only representative from the state. In contrast, Georgia's eight
 congressmen, all Whigs, voted for the bill.

controversy with England growing out of the arrest in New York of the *Confederate*, *Alexander Selkirk*.¹⁵ North did not speak again in Congress until the tariff question came up in July. The House having adopted the rule to limit speeches to one hour in length, North used up his time, on July 13,¹⁶ in opposition to a resolution from the Commerce Committee proposing that a committee be appointed to study the tariff and report information to be used for the revision by the next session of Congress. North, who had been actively lobbying against revision of the Tariff Act of 1813 throughout the session of Congress,¹⁷ opposed the resolution. He asserted that it was not proper to "forward the information that would be collected," but because the resolution was proposed by protective tariff advocates and he doubted the legitimacy of such a committee functioning while Congress was recessed. He directed much of his speech to a general defense of the principle contained in the proposition that tariffs should be for revenue only and in no sense to support "an economical administration of the Government." He concluded that discrimination should be made "with a view to the ability of the tax payer, or in other words, that the burdens of the Government ought to be made to fall on the people in proportion to their ability to bear them." On the other hand, he insisted that Congress could not

¹⁵ *Ibid.*, III, 212. Selkirk was charged with acts encouraging insurrection.

¹⁶ North said "North rented out his hour against the resolution, and against all revenue by import duties." *History of John Quincy Adams*, I, 212.

¹⁷ *Ibid.*, III-485.

"highly by my discriminating duties for the benefit of the entire
 America." That concluded with the contention that if the South, in
 violation of the principles of liberty, justice, and equality, broke
 the agreement of 1850, they could hardly expect the North to wait
 them to keep any future bargain.¹⁸

Then the tariff resolution was started later that day by a vote
 of 104 to 10, the South Carolina delegation remained solidly with
 South. Southern Democrats generally opposed the resolution, and there
 were scattered defections of Southern Whigs from the Clay program. The
 next day the House voted 104 to 20 to reconsider the resolution, and,
 immediately thereafter, decided to table the measure.¹⁹

The House then proceeded to consider a revenue bill, entitled
 "A Bill in Relation to Duties and Drawbacks," which had been introduced
 on July 14 by Willard Phillips, Chairman of the Ways and Means Commis-
 sion. This bill would have lowered the tariff from 30 to 20 percent
 twenty per cent lower and laying duties on articles previously ex-
 cept.²⁰ That did not enter the debate on the bill except to make "some
 brief explanations in relation to his ideas on the subject of direct
 taxation."²¹ Speaking in support of the bill, Phillips had said that
 he did not believe there were "five gentlemen in the House in favor of

¹⁸Cong. Globe, 27 Cong., 1 Sess., 56-57.

¹⁹Ibid., 56-57.

²⁰Ibid., 500; Wilson, John C. Calhoun: Nationalist, 63.

²¹Washington National Intelligencer, July 25, 1851.

raising revenue" by direct taxation.²² Clark responded that he did not believe there was a "single member who would vote for direct taxation, in the present state of popular opinion and popular feeling on the subject." Although he considered it "the fairest and most economical mode of applying the means of the Government," Clark would not vote for a direct tax himself because he did not believe the people were ready for it. He explained that he spoke for no one but himself in his advocacy of direct taxation, and, although he did not anticipate remaining in Congress long enough to see the system adopted in time of peace, he hoped the time would come when his successors in Congress would "rise up to the majesty and magnitude of this great question," and adopt a method of taxation which he believed "would go farther to reform this Government, and practically enable the people to govern themselves, than any other that the wisdom of man could devise."²³

With the passage of the revenue bill,²⁴ Clay had accomplished practically all of his program for the special session except the creation of a national bank. His bank bill, returned down to break the President's veto, had passed the Senate on July 25 and the House on August 6; but a vote by Tyler decided the President's party. "The Whigs reversed [Clay's] number and denounced him [Tyler] for an apostate and a tyrant, but the Politiens welcomed him back to the fold. . . ."²⁵ Clay

²² Cong. Globe, 27 Cong., 1 Sess., 247.

²³ Ibid., 252-253.

²⁴ Ibid., 276, 442, 453.

²⁵ Wilson, John Q. Adams Administration, 42-44.

declared war on Tyler "with savage thoroughness,"²⁶ and proceeded to try to rush a second bank bill through Congress. A bill which had been dropped in the House in favor of the Senate version was revived and amended in line with Tyler's recommendations. Sumner had not participated in the debate in the House on the first bank bill, and, indeed, remained silent on the second one until debate had been closed and the bill was coming to a final vote. That confusion was over. Many Democrats, in protest against the change in pushing the bill to a vote without adequate debate, arose to explain that they could not vote on the bill. Thinks yet one floor "he offer his reasons for asking to be excused from voting." Apparently in contrast with the usual manner in debate, he had written down his reasons, "that he should forget himself in the excitement of the time." He read the related reasons for not voting: the procedure violated the constitutional provision that "freedom of speech and press shall not be abridged by any law of Congress"; the rule destroyed the character of Congress as a "deliberative assembly"; the rights of the people through their representatives "to speak to the issues before us" were being violated by the rule; a bill could be passed into law "without one word of debate being permitted or uttered"; free discussion of legislation was necessary for "right legislation . . . [and] preservation of the Constitution"; the proposed measure was "one which deeply affects [and] the integrity of the Constitution and the liberties of the people" The House

²⁶ Ibid., 42.

refused, lip to St., to answer North from voting, and the Speaker ruled out of order his request that his reasons be entered on the Journal. A neighbor, Edward Stanley, a North Carolina Whig, then lectured North with the legislators.

Further the paper just read had the usual conclusion, viz. that unless this request was complied with, the gallant people of "Savannah and Colleton districts, in the sovereign State of South Carolina, would dissolve the Union."

North replied calmly that he would be happy to "answer any question the gallant right friends to prob,"²⁷ whereas Garrett Davis of Kentucky inquired whether North had not voted for a similar resolution during the preceding Congress. North responded "No, never!"²⁸ John Quincy Adams believed, however, that the efforts to push the extraordinary bill through, which had North's support, were useless.²⁹

Although Southern Democrats could not prevent the passage by Congress of the Tenth bill, their friend in the White House vetoed the bill again, with a constitutional message promising to make recommendations to the regular session of Congress.³⁰

With only two days left before adjournment of Congress, all of Tyler's cabinet resigned, except the Secretary of State, Daniel Webster. Tyler was apparently prepared for this crisis and immediately appointed a new cabinet. Instead of turning to the Democratic Party as many

²⁷2 Cong. Globe, 27 Cong., 1 Sess., 301-302.

²⁸Memirs of John Quincy Adams, I, 538.

²⁹2 Cong. Globe, 27 Cong., 1 Sess., 333; see Wilson's Register, 22 Sept. 11, 1847, 12, for the complete vote message.

layed to sleep, the President chose his department heads from among anti-slavery Whigs. Hugh S. Lague of South Carolina was included in the group as Attorney General.²⁰ Upon the adjournment of Congress, the Whig members held a caucus and adopted an address to the people of the United States reading Tyler out of the party and expressing the determination to rectify his mistakes by limiting the President's powers and fixing his tenure at one term.²¹

During the struggle in Congress over limiting debate in the Committee of the Whole, Whitt had written a series of letters to the editors of the National Intelligencer protesting the suppression of Democratic debate. The Intelligencer did not publish the letters, but after Congress adjourned it referred to them in an analysis of a speech given in Congress by G. A. Brevintell of Pennsylvania. Whitt immediately wrote another letter explaining that he had not opposed the rule limiting speeches to one hour, but considered it a measure to allocate to some extent the "gag" put on the minority by the rule permitting a majority to go into and out of the Committee of the Whole. He requested that an extract from his other letters be published. The Intelligencer complied and accompanied Whitt's letters with an editorial agreeing with him in principle, but arguing that it was necessary to have some measure to limit debate.²²

²⁰William Legislative, III (Sept. 10, 1841), II.

²¹Legislative, II-36.

²²Washington National Intelligencer, Sept. 20, Oct. 6, 1841.

Smith remained in Washington for a time after Congress adjourned, and was busily engaged during the session in making plans in Charleston for Calhoun's campaign for the Democratic nomination for president.²² Yet, he was the only member of the South Carolina delegation present when Congress adjourned, on December 7, 1851.²³ He had anticipated with unqualified eagerness for several years this session of Congress when the tariff laws would have to be re-passed. He and Calhoun had hoped, no doubt, that they would find themselves in a controlling position in the majority party when that time came. Perhaps, however, they were more strategically situated as members of an opposition party when the party in power was suffering from a crisis which the Southern Democrats might exploit.

Smith seized the earliest opportunity to begin his exposition of the views of South Carolina on the tariff. Tyler suggested in his message to Congress that "commerce generally would seem to be the object" in dealing with the tariff, and, though somewhat ambiguous, apparently recommended a tariff for revenue purposes only.²⁴ When the House took up the country resolutions to refer different portions of the President's message to the appropriate committees, Smith called for "a division on this resolution, which was ordered."²⁵ Upon the reading of the

²² Correspondence of John C. Calhoun, 2 Johns. Hist., 474.

²³ Johns. Hist., 17 Cong., 2 Sess., 1.

²⁴ Ibid., 5.

²⁵ Ibid., 8.

Fifth resolution—"That no such tariff as relates to the tariff be referred to the Committee on Manufactures" -attention offered in connection to strikes and "Manufactures" and lower "Wages and Hours." Wash, standing himself again on the same side with that of Virginia, in support of Sherman's amendment, agreed with the Virginia Whig that Tyler recommended only a tariff for revenue. At the same time, Tyler had suggested that while obtaining the necessary revenue it would be possible to "give a tariff to manufactures." This popular but specious argument provided the superficially that was looking for to deal with the incompatibility of tariff for revenue and for protection.

Where did protection come in? It was inevitably at the point where revenue ceased. The only way in which the domestic manufacturer was to be benefited is to have his part of cloth introduced into the consumption of the country in lieu of that which comes in by importation, and pay a duty into the treasury. In that point of view how was it possible to raise a tariff both for revenue and for protection? You must exclude the foreign importation, and this is to destroy revenue, before you can give protection to the manufacturer . . . The time had now come when this question must be settled; since years it had been agitated on this floor.²¹

On December 22, after the Sherman amendment had been debated for a week, Wash gave his first full length speech of the session. He began by introducing an amendment to Sherman's amendment:

With instructions that, should it be in their opinion expedient to lay additional duties, they shall be so laid as not to discriminate in favor of any particular class of industry in the United States.

He then spoke to his amendment. The Congressional Globe gave the speech almost a full page summary, the next column it had given that up to that

them, and Thatt wrote the argument out for publication in the Journal to the Congressional Club.³⁶ In this speech, which Adams called a "racting one,"³⁷ Thatt gave a highly complex and relatively dispassionate argument against the principle of protection. The language of the reporter's summary and that of the text prepared by Thatt are quite different, and, of course, the latter is considerably more detailed in supporting articles. Nevertheless, the major arguments are essentially the same and the subordinate ideas, where duplicated, are similar.

The first major division of the speech comprised a restatement and an elaboration of his argument in the previous speech that protection was incompatible with the raising of revenue. He found that the advocates of protection had not refuted his argument but had "resorted to simple denunciation." He considered it "dignified" to talk of "single denial protection" as a means of avoiding discussion of the constitutionality of protection.

Thatt denied that he had said that "this government had no right to discriminate in the imposition of duties for the purpose of revenue." Such discrimination would be highly desirable when a high tariff on certain easily smuggled articles would reduce the total amount of revenue collected. He made his position clear: "It is no case of overlooking in favor of any particular interests, but it is no case

³⁶Am. Club, 27 Cong., 2 Sess., Staff, Journal to the Cong. Club, 27 Cong., 2 Sess., 24-25. Also: Inquiry, III (Nov. 1, 1867), 115-116, and the Washington National Intelligencer, Nov. 13, 1867, carried the summary made by the Am. Club member.

³⁷Summary of John Quincy Adams, II, 43.

discriminating against them.²

Hayes took his central main argument, that it attacked the interpretation of the Constitution which would permit protective tariffs. In considerable detail he contended that no such power was delegated to Congress. He refuted the contention that it was implied by the phrase "to provide for the common defense and promote the general welfare" by arguing that this clause was "only a declaration of the general purposes of the specific grants in the Constitution—not a grant of power itself."³ Otherwise the enumeration of powers in the Constitution was "more than useless."⁴ Hayes went into the philosophical basis of the Constitution:

But, sir, I take a higher ground, beyond even the plain technical meaning of the Constitution. I say that the principle of a protective tariff—the principle of legislating for the benefit of the few, at the expense of the majority not only contrary to the letter of the Constitution, but fatal to the whole theory of our democratic institutions.

How then the "primary argument," that feared that the principle of protection would result in the "entire overthrow" of free legislation.

The tariff advocates had attempted to circumvent Hayes's position that protection was oppressive discrimination with the counter argument that "the manufacturers are the people."⁵ Hayes replied that he had considered the same assertion in connection with the tariff, but believed that "with far less plausibility are the manufacturing interest to add to be the people."⁶ He held in his hand the Lusk census report as he pointed out that essentially the manufacturers and individuals engaged in mechanical pursuits were only a small part of the

people, and many of that number did not require protection.

But take the whole nation—seven hundred and sixty-one thousand, out of seventeen millions—and this arrogant fraction not only claim to be the people, and will their industry, American industry, not require that the seven-hundred millions should be taxed for their benefit.

Furthermore, Smith considered equally absurd the argument that the interests of the manufacturers coincided with the interests of the people. "There are men who would persuade us that the best way to sustain competition is to destroy it; and if we wish to destroy competition, we must make them do it."

Smith then attacked the contention that protection was necessary for "the independence of the country."¹ He found this to be an argument repudiated by "historians and experienced men. . . ."² He believed there could be no such thing as complete independence of a nation, but contended that in foreign commerce "the one party is as much dependent upon the other."³ Necessary to fostering independence, he considered the protective tariff a means of forcing the rest of the country to depend on the manufacturers, who would agree then at the same time,

"Instead of being the 'people' . . ." Smith contended that the manufacturers had "interests directly opposed to those of the people, and dangerous to their liberties." The manufacturers profited when taxes on the people were high, and favored making taxes highest on the necessaries consumed by the working man. Thus, the "protective policy, from its origin, has entailed in all the legislation a heartless disregard or profound contempt for the relief and welfare of the people."

But, contrary to the manufacturers' contention, North did not believe protection was necessary for the growth of manufacturing; he went into a detailed analysis of the development of industry in England to show that it was not due to protection.

The speech closed with a reference to commerce that the issue was between free labor and slave labor. North considered such with-takes highly dangerous to the Constitution. Although the language used in the conclusion is quite different in the two versions of the speech, the effect of either is characteristic of North's thoughts and style of composition. According to the reporter, North ended the speech by saying:

all those great theories which lay at the foundation of American liberty and the constitution, he would lay to his heart; he would not give them for the empire of Caesar. Our destiny, he repeated, was a great and glorious one, because it was "the duty of others as we would they should do to us," and our course would be marked with liberty and prosperity; but let the future rule of one portion of the country be regarded as opposed to those of another, and American liberty and glory would not, and not forever.

North's text of his speech indicated no mention of Caesar or of the golden rule. It closed:

Teach the South that they are only prosper by destroying the North—and the North that it is slave-labor against which every legislation is levelled, and how long will the Union last? It was the soldiers and citizens of Union who fired the frontier; and it is vain to hope that those who live on the plunder of their fellow men will have any other principle than the Union. No rights will be secured from their aggressions. The Constitution, the Union, liberty itself, will be struck down, when standing in the way of their unbridled gain. To destroy all these may be the sin, as well as the result, of the protective policy. The North—now is the defensive, suppressing every or other selfish or other interests—will endeavor to maintain them all; and when the emergency the Union, it will be because the Union will be incompatible with liberty.

This speech on the tariff was in many respects the most entire effort that had made its way to Congress. He had devoted years to thinking, writing, and speaking on the tariff controversy. He was able, consequently, to treat the subject in its fundamentals and with a broad scope of materials. Furthermore, his language was more commanding for its clarity than for the words of violence and dignity for which that was so well known. At the same time, his convictions were basically unchanged from those he expressed in 1851. His years of experience in the politics of North-South antagonism enabled him to give a much broader and more reasonable defense of his serious Southern beliefs.

On January 3, 1857, after over a week of debate on his proposed instructions to the Ways and Means Committee, that committee the next week, explaining that he interested it only to open up the whole subject of the tariff. Subsequently, Sumner's amendment was defeated, 184 to 85, and the President's recommendations on the tariff were referred to the Committee on Manufactures.⁴⁰

That took an active part in the politics of the House but did not make another "full-dress" speech until July. He was involved, however, in a significant event during the interim. He was one of the Southern members of the Foreign Relations Committee who volunteered to depose John Calhoun Adams as chairman of the committee. The attempt was accompanied with a notice by Thomas S. Gilmer of Virginia to censure Adams for presenting a petition signed by European officials of

⁴⁰ Annals of Congress, 37 Cong., 1 Sess., 86.

Everhill, Massachusetts, requesting Congress to "adopt measures possibly to dissolve the Union."⁴¹ Illustrative of the anger brought up, of course, the resolution North had published after the State conference. North obtained enough of the House to read part of his letter to his constituents defending his resolution. He explained that he did not introduce the resolution in the House; therefore, his action was quite different from that of Adams.⁴² Virgilia exchanges of criticism continued among North, Adams, and others for several days until North, Oliver, L. H. T. Hunter, and George E. Peck of Indiana, resigned from the Adams committee.

The tariff continued the most compelling issue in Washington. Then, in June, Congress did enact a protection law, known as the "Little Tariff," extending the tariff laws then in effect. President Tyler returned it with a veto message asserting that the act disrupted the Compromise of 1850.⁴³ This reopened the debate on the tariff and on the presidential power of veto. In July 1, North spoke for an hour in defense of the right of veto and of Tyler. He relied upon the criticism of the veto power in the Constitution as "subversive of the very foundations of liberty itself." His entire argument was epitomized in the reporter's summary:

The danger to our institutions was not from the Executive, but from the Legislature. Had they ever been endangered by Wilson?

⁴¹ Speeches of John Quincy Adams, II, 71-72.

⁴² Mass. Spectator, 17 Dec., 185-186.

⁴³ Idem, 185, 186.

ing but by the legislature. The one it that passed the Alien and Sedition laws. Two internal improvements, protective tariffs, banking system, & Co., all emanated from the legislature. . . .

Madison closed this speech with a blast at the "gag rule" which forced him to end his speech when he had discussed only one of the three topics he wished to touch upon. He denounced the stigma of abolishing the "most important part of the Constitution . . . [by adopting] an arbitrary rule, by which the Representatives of the people were silenced when their dearest interests were at stake."⁴⁴

At the time of Tyler's veto of the "Little Tariff Bill,"⁴⁵ a general tariff bill, having come from the committee on June 3,⁴⁶ was also on the floor. In the debate progressed on the general bill, Madison attempted on July 12 to amend the bill by striking out "obnoxious" provisions which valued articles for tax purposes higher than the market value. He explained that he had no hope of his amendment being adopted, but introduced it "for the purpose of affording him an opportunity of saying a few words as to the obnoxious principle." Madison briefly attacked the principle on the ground that it taxed heavily the people least able to pay. He warned the House that such a bill "would never be submitted to by the country." As he had anticipated, Madison's amendment

⁴⁴ ibid., 30-32; Appendix to the Speeches, of Messrs. J. C. Calhoun, 1820-1821, contains a more detailed version of the speech by Madison, which differs from the reporter's version largely in detail and in the hopeful tone of the conclusion, which expresses confidence in the "maintenance of the great and inalienable principles of the Constitution."

⁴⁵ Comp. Works, of J. C. Calhoun, 1820-1821, 30-32.

was immediately rejected.⁴⁶

Again the South was unable to defeat the tariff in Congress, but found a friend in Tyler, who vetoed the bill on the grounds that it reduced the tariff, a serious measure, with changes in the land distribution act, an appropriations act.⁴⁷ Tyler disappointed the Calhoun-Piech opposition, however, when he subsequently approved a third tariff bill which separated revenue from appropriations.⁴⁸

Although the South Carolinians in Congress considered the tariff of 1842 as bad or worse than that of 1833, there was no serious consideration of nullifying the law. James H. Hammond, soon to be governor, characterized the viewpoint of the entire Calhoun faction when he wrote Calhoun at the time of passage of the new tariff: "The prospect of the entire ascendancy of the Conservative Party and of your Election is so good that we ought to look to these means first before we resort to harsh measures."⁴⁹

South Carolina political preparations for the Calhoun campaign were in full activity during the summer and fall of 1842. Southwestern had been made that Hammond would be the choice for governor, Antislavery fearing that Houston would resign from the Senate, Calhoun chose McCallie as his successor. It was agreed that Calhoun would resign from the

⁴⁶Ibid., 749.

⁴⁷Ibid., 845.

⁴⁸Ibid., 524-525; Wilson, John C. Calhoun, Southwestern, 74-75.

⁴⁹Correspondence of John C. Calhoun, John C. Calhoun, 524; Wilson, John C. Calhoun, Southwestern, 75; Wilson, South Western, 75.

Senate in order to avoid embarrassing political entanglements. After the end of the regular session of Congress in August, 1861, Keith visited New York and Virginia to do organizational work for Calhoun. Upon his return from New York, Keith, who was undoubtedly eager to move up to the Senate, wrote Calhoun advising that the resignation become effective before the third session of the twenty-seventh Congress.⁵⁸

Contrary to Keith's advice, Calhoun returned to Washington in December. He had, however, submitted his resignation to the South Carolina legislature when it convened in November. A few days later, Pickens, whose term was to expire soon anyway, submitted his resignation. McCallie was elected unanimously to serve out Pickens's term and a full six-year term. The Calhoun plan almost went awry when Sumner was barely elected governor over R. F. W. Allston, a former minister. The real battle then came over the election of Calhoun's successor. Both Keith and Pickens were candidates. Keith had the support of the powerful Keith-Elmore clique; Pickens was preferred by Sumner and other Calhoun supporters who feared the growing Keith-Elmore family coalition. The candidates refused to accept either Keith or Pickens and nominated Daniel Rogers. After several ballots, Pickens withdrew in favor of Rogers, who was then elected. White believed that Calhoun implored Keith but was unable to make the legislature behind him. The interpretation of White, however, seems more tenuous. That since McCallie and

⁵⁸Correspondence of John C. Calhoun, 7 Jan. 1861, MSS-ABC; White, *John C. Calhoun: Nationalist, 1845-1865*; *McCallie, History of South Carolina*, II, 486-487.

Remond were both well-known Gilem engineers the clearing of the railroad in order to maintain the recently won unity among South Carolina Democrats.²²

Immediately following the lead of Gilem, the legislature, after showing a process, two sessions, and lesser officials, adopted a set of resolutions on the tariff. Declaring the tariff of 1861 to be a breach of faith, as well as a violation of the constitution . . . which ought to be repealed,²³ the legislature promised to submit only so long as there was hope of repeal of the tariff. If that hope should perish, the right was reserved to "adopt such measures to redress their wrongs, and restore the constitution, as in their opinion may be due to themselves and their posterity."²⁴

Next, the man in Washington for the short session of Congress at the time of his rejection for the Senate, began looking toward his home district where defeat threatened which would be even more humiliating than the loss in Senate. On the basis of the 1860 census Congress had reapportioned representation so that South Carolina dropped from nine to seven Congressmen.²⁵ South's district of Beaufort and Oglethorpe was combined by the legislature with an adjacent middle country district comprising Barnwell and Hampton. A. R. Strobel, who had just been elected from Barnwell, refused to withdraw in favor of South. With

²²White, Robert Barnwell Smith, 57-63; Wilson, *John G. Calhoun: Statesman*, 79-80; Wilson, *History of South Carolina*, II, 497.

²³Wilson *Legislative*, 12112 (Dec. 29, 1863), 121-124.

²⁴*Leg. Acts*, 27 Cong., 2 Sess., 161.

defeat of the leader of his forces in Washington was threatened, Calhoun wrote, in January, 1843, to Governor Russell, who was from New-York:

Webster and I have by far the most experienced and efficient members of the delegation to the present Congress. The former unfortunately returns at this critical moment, and it is to be regretted, that the other is opposed in his District. I hope he is in no danger. I would regard his defeat as a great misfortune at the present time. Webb appears to be an able and worthy young man; but he is without experience and if Webb should be defeated, we would have no one in the delegation at once efficient and experienced. You know that I have made it a rule not to interfere in elections in the State, unless occasionally to preserve harmony among our friends; but I regard the present instance as an exception, so far as to write to prevent and ease our other friends, in whom I am fully convinced. There is no such at stake, that I feel justified. . . .²⁴

Webster was selected by a respectable majority over Webb, and, subsequently, was elevated to the position, along with James Louis of Illinois, of co-campaign manager for Calhoun. Though Calhoun apparently felt compelled to take his usual part in debates in the Senate, Webb made no speeches and showed little interest in the proceedings on the floor of the short session of the twenty-seventh Congress.²⁵ Instead, he went about the job of organizing the Democratic Party for Calhoun with single-minded determination. Early in 1843 he published a pamphlet urging that the 1844 Democratic convention be organized on a district basis, and that it be held at the latest possible date. Although the argument was on "higher grounds" than the relative strength of candidates, the assumption is evident that Calhoun was stronger with the

²⁴ "Correspondence of John E. Calhoun," *loc. cit.*, 371.

²⁵ *Ibid.*, 371. 37 Cong., 3 Sess., 31, 32.

people than with the party leaders and that he would get through during 1854.⁵⁶

Now, early in 1853, Gilman asked Smith to "father" the paperlet in Gilman's political life. Smith wrote later:

I told him, that it was impossible for me to directly or indirectly to allow any one to understand that I was the author of a publication which I had not written. Butler and I read it over together in my house in Georgetown. He inserted about a page and a half, and became the positive author. . . .⁵⁷

Another important step in the campaign was the control of a Washington newspaper. In March, 1853, Gilman, with the aid of political friends, bought a controlling interest in the almost bankrupt Washington Examiner.⁵⁸ Smith remained in Washington through the summer, and in September was appointed editor of the Examiner. Upon his return from another trip to New York and Virginia, he wrote Gilman, on October 7, that he planned to begin tri-weekly publication of the paper and that he would be "the sole writer in it."⁵⁹

⁵⁶See appeal to the Democratic Party, in the Principles of a National Convention for the Election of a President and Vice President of the United States," Times Register, XVII (Feb. 4, 1853), 254-255. Charles Henry Smith (ed.), "Correspondence of Robert E. Taylor, 1844-1878," Annual Report of the American Historical Association, 1914, II, 51, recites that Smith wrote the pamphlet.

⁵⁷Smith to Richard E. Grille, Oct. 25, 1854, The American Historical Review, VIII (1908-1909), 21. For additional information on SMITH'S authorship of the Gilman pamphlet, see "Correspondence of Robert E. Taylor," ibid., 51, 57, and "Correspondence of John A. Gilman," ibid., 51, 52.

⁵⁸History of A. E. Grille, 55, Charleston Library Society, Part VII, 54; "Correspondence of Robert E. Taylor," ibid., 57; Wilson, John A. Gilman: Nationalist, 113.

⁵⁹"Correspondence of John A. Gilman," ibid., 52.

In that letter Clark wrote hopefully--almost jubilantly--of political plans and visions. A week later, however, he could foresee "disunion and defeat" and the election of Clay as the next president. His only avenue to Calhoun was solicitation in the course to be pursued.⁶⁰ Clark then returned to South Carolina for a brief visit and to take his wife to Washington before Congress convened. It was not until December that Calhoun came to agree with Clark on the prospects for election and wrote his friends that he would not permit his name to go before the convention.⁶¹

The campaign for Calhoun over, Clark was ready to give his attention to politics again when the twenty-eighth Congress, with a Democratic majority, convened on December 5, 1823. Clark and others undertook, however, to exploit what they sighted as a Democratic weakness by organizing the Congress with Calhoun as its. The New York machine soon dispelled that hope, after which Clark wrote a disconsolate letter to Calhoun reporting the failure to control Congress and again predicting a Whig victory in the presidential election. After referring to the death of his brother, Albert, whom he looked to as the "chief personal reward" for his public service, Clark implored his "aged friend and political father, [to] seek not to desert."⁶²

A week after Congress opened Clark was voted down, 126 to 77,

⁶⁰MSA, 58C-202.

⁶¹MSA, 58C-202.

⁶²"Correspondence of John C. Calhoun," MSA, 58C-202.

in an attempt to have the rules suspended so that he might introduce a resolution instructing the Ways and Means Committee to report a bill reducing the tariff to twenty per cent ad valorem.⁶³ Then, on January 3, he introduced a similar resolution to reduce tariffs to thirty per cent immediately and to twenty per cent in two years. Although he had the support of the entire South Carolina delegation and most of the other Southern Democrats as well, his resolution was voted down, 121 to 57, without debate.⁶⁴

Stuart was diverted temporarily from his attention to the tariff by the imminent repeal of the hated 20-50 rule. On January 11, admitting that his speech would not "in all affect the decision of the House," Stuart made a forty minute speech in defense of the "constitutionality of . . . [the] revenue" of the Democrats who had sustained the 20-50 rule on slavery petitions for so many years.⁶⁵ Stuart thought Stuart was "under deep agitation" while giving a speech which was "eloquent, pathetic, and full of abhorrence."⁶⁶ The content of the speech was an elaborate treatise of the Constitution in its relation to the right of petition. Stuart concluded in a review of the speech his position on the relationship:

In [the Constitution] appears the people's the right of the people possibly to assemble and petition--not the right of

⁶³House Globe, 18 Dec., 2 Jan., 1846.

⁶⁴Ibid., 31.

⁶⁵Ibid., 13.

⁶⁶Journal of John Sydney Stuart, II, 181.

their representative or legislative bodies. It is a personal privilege of the people—not an intermediate or legislative right. In a word, the clause in the constitution has nothing to do with the action of this House on the subject of petition.⁸⁷

Toward the end of the speech the reporter complained that he was unable to give an accurate account of the speech because of "the low tone of voice in which he [Steth] frequently spoke. . . ." The reporter did, nevertheless, get the meaning of Steth's perception in which he returned to his powerful threat that the people of the South would not "permit themselves to be degraded, or surrender their rights, Union or no Union."⁸⁸ In his own version of the speech Steth varied the threat as follows:

The South will remain as she has always been, as the defiantest—unwielding, violating, the rights of no portion of the Union but ever prepared to maintain her own. Her standing is in her own hands—above the control (if true to herself) of men here, or Florida elsewhere. She must not look to the power or sympathy of others for support or aid. Self-protection will be her only protecting aid, strong in her own resources, she has not to contend thus with vigilance, energy, and courage, and in the Union or out of the Union, she can and will be free.⁸⁹

On February 21, Steth wrote to Collins reporting that James A. Hefley of North Carolina had shown him a NAACP petition bill to be reported by the Ways and Means Committee. Steth was disappointed with the bill because it did not go far enough, and he asked for Collins's opinion. Steth reported having smoothed himself

that even a bill would be the grave of the free-trade cause

⁸⁷ Memorial to the Cong. Globe, 28 Cong., 1 Sess., 174-175.

⁸⁸ Cong. Globe, 28 Cong., 1 Sess., 134.

⁸⁹ Memorial to the Cong. Globe, 28 Cong., 1 Sess., 174-175.

for ever. That after a protective tariff is made by the House, and only modified by the Senate, the principle will be exposed to be surrendered by both parties. That I would repeat and repeat it with all my might, if such a bill was reported to the House.¹⁰

In reply to a letter from Calhoun about the matter, Winfield indicated his support of the bill, and asked his approval of Hayti

Frederick's opinion as to say to you that I was regretted as I have long done, that you have made such a man as Winfield your confidential adviser. You could not have selected a worse, not so-appealing self-lover. He is vain, self-conceited, impracticable and selfish in the extreme, and by his ridiculous addition to lead the Senate in everything, has rendered himself odious in Congress and to the State. I know of no man who is injuring you so much. Everything he does in Congress and writes to the Secretary he ascribes to you. If you should accept the State Department as I sincerely hope you will, I think the Secretary should be stopped. In any event it will do nothing but mischievous as now conducted.¹¹

Calhoun's appointment as Secretary of State had been sent to the Senate on March 4, two days before the Winfield tariff bill was reported in the House. Calhoun accepted the appointment and entered upon the duties of his new office on April 1. With his "aged friend" again in Washington and desirous of party unity on the Texas question, Winfield was quiet on the tariff bill.¹²

Although he was on his feet frequently to participate in such matters on the right of debate and internal improvements,¹³ Winfield

¹⁰Thomas S. Benton and Robert F. Smith (eds.), "Correspondence addressed to John C. Calhoun, 1817-1850," Annual Report of the American Historical Association, 1907, 307-320.

¹¹Ibid., 316.

¹²Winham, John C. Calhoun: A Biography, 142-176.

¹³Cong. Globe, 27 Cong., 1 Sess., 176, 186, 206, 225, 231, 236, 242, 246, 257, 259, 266, 268, 269, 276.

not speak on the tariff bill until May 7. In that speech he did not explicitly support the Dingley bill. Rather, he made an hour long attack on the protective tariff policy in general, and on the things he had argued for protection for the state economy. Barth concluded that "if all were equally protected, then none were protected." He considered the entire argument a "losing from beginning to end," because the South had not needed war had asked for protection. He again went into the constitutional arguments against the protective tariff, and compared the condition of the South with the colonies under the British. He predicted that, if the tariff of 1892 were not enacted, the manufacturers would soon be asking for additional protection. And with reasons "a people who have submitted once to such a policy, they will expect to submit again." He inspired, "Will the principle be submitted to by the people of the United States? Justice, liberty, and the constitution never-forgo!"¹⁴

Three days later, when the Dingley bill was taken by a vote of 105 to 29, Barth and the other six South Carolina Congressmen pleaded to the influence of Johnson and voted unanimously against the action in table.¹⁵ This failure of a Democratic majority to amend the tariff prevented a situation in which the action required by logic was clear to Barth. The South Carolina legislature had pledged to adopt measures "to redress their wrongs" if the tariff were not altered. Following

¹⁴ Id., 30; Appendix to the Cong. Globe, 41 Cong., 1 Sess., 622-639.

¹⁵ Cong. Globe, 41 Cong., 1 Sess., 391.

This made the South Carolina delegation in Washington assembled and chose McNeill to prepare a letter to the people of South Carolina recommending a course of action. McNeill, knowing ill, delegated the task to Barth. Barth did not think it appropriate to show the letter to Calhoun, an official in the general government, but Senator Roger Taney insisted that Calhoun meet with the delegation to discuss the letter. Calhoun vetoed Barth's draft because he thought such national action would endanger the election of Fill and the annexation of Texas.⁷⁶

With full knowledge of the political fate of Freedom and others who had defied Calhoun, Barth, nevertheless, addressed to his constituents a letter which apparently was similar to the one Calhoun had vetoed against. The letter reminded the citizens of the South of the repeal of the twenty-first rule, opposition to the annexation of Texas, constitutional responsibilities for internal improvements, and failure of the Democrats to repeal the tariff. Barth desired a Southern convention to deal with the problems, but conjectured that one could not be obtained during the presidential campaign. But since South Carolinians pledged to reform their groups, action there must be. He proposed, therefore, that a state convention be called to meet in April, 1845. If by that time the north members of Congress and the new President showed willingness to give consideration to the South, the convention could be adjourned.⁷⁷

⁷⁶Phillips, John B., Calhoun: Statesman, 177-188; White, Robert Randall, ibid., 12-13.

⁷⁷Charleston Daily Mercury, June 27, 1844; Charleston Daily Courier, June 27, 1844; Washington National Intelligencer, July 1, 1844.

Apparently Keith intended to remain in Washington, where he was still editing the Journal, but some of his constituents urged him to return to his district to clarify his views.⁷⁶ On July 28, a dinner was given in his honor at Haffton, in St. Luke's Parish, Newfort District. There Keith learned that some to be widely known as the Haffton Movement. Preparations were made for five hundred guests, but according to the Charleston Journal rails and transportation difficulties reduced the number present. Keith began his speech at about ten o'clock P. M. "and occupied the undivided and breathless attention of his audience for more than an hour and a half--interrupted only by occasional and enthusiastic plaudits."⁷⁷

According to the summary of the speech published by the Charleston Journal, Keith again detailed the "grievances" of the South: slow legislation, taxes, and the tariff. Going further than in his letter to the district, Keith "vehemently denounced the substitution of the reality of hope" for of the promises which were "commonly relied on." They were: the election of Polk and a Southern convention. The other commonly mentioned promises, nullification and secession, "he believed to be effusions under certain circumstances, and either of them, or any thing else, he preferred to have and securely substantiate." Admitting that he stood alone among South Carolina's Congressional delegation, Keith again recommended a strict attention to work "after the rising of

⁷⁶Times Register, LXXXI (Oct. 22, 1861), 89.

⁷⁷Ibid., LXXXI (Aug. 17, 1861), 49; also, Charleston Daily Mercury, Aug. 8, 1861; Washington Journal, Aug. 8, 1861.

the next Congress.⁸ The reporter who covered the speech considered it "a thrilling hour of eloquence, which could scarcely have failed to convince every individual present, that the average congressional district was more honest than honesty, in the confidence it reposed in the Hon. Robert Marshall Smith. . . ."⁹

Five days later Smith made a similar speech to an "unusually large and highly respectable" meeting in Chesapeake, and in several other places in his Congressional district during the following weeks.¹⁰ Though Smith pledged himself to the support of Polk, he was charged with undertaking to defeat the Democrats in South Carolina, and, of course, with seeking to destroy the union. In August he wrote R. B. T. Hunter that he expected to be called a disunionist and traitor, but that his object was "not to destroy the Union, but to maintain the Constitution, and the Union too, as the Constitution has made it."¹¹

The cleavage between the Calhoun Democrats and the "Whiffen Boys," who were largely young men from the law country, threatened to become as violent as had been the state rights and national struggle ten years before. The Charleston Journal was vigorous in its support of Smith until Stuart was given a seat in the legislature. The Journal was just as extreme in its denigration of the new man. The South Carolinian politician distinguished, with Hunter standing with Calhoun

⁸Id.

⁹Id.

¹⁰"Correspondence of Robert B. T. Hunter," ibid., 70-71.

the opening Sumner-Wheeler relationship was broken, with Governor Sumner quickly supporting North. Sumner went as a Calhoun emissary to Tennessee to reach an understanding with Polk on the tariff.

After a big Democratic Party mass meeting in Charleston on August 17 where resolutions were adopted opposing the Whittier threat to party unity, and expressing confidence in Calhoun,⁴³ North gave up the struggle and returned to Washington. But his absence did not quiet the aroused public. McDuffie announced that he agreed with North in principle. Langdon Chesnut, opposing North's program of separate state action, called for a long range plan of Southern cooperation looking toward the formation of a Southern confederacy.

Calhoun, after arranging to discontinue publication of the Register,⁴⁴ found it expedient to make a trip to North Carolina. Subsequently, he could write to Thomas B. Claiborne: "The public sentiment has settled down against his [North's] course, and all is now quiet, but the feeling of the state is deep both on the subject of the tariff and Nullities."⁴⁵ Calhoun's firm control of the state was confirmed when the elections in October turned out as North had apparently anticipated when he returned to Washington a week earlier. The Calhoun and Polk Democrats swept the state, even winning a majority of the legislative seats in North's own Norfolk and Currituck. North was welcomed to

⁴³Washington Register, Aug. 23, 1844.

⁴⁴Ibid., Oct. 2, 1844.

⁴⁵Correspondence of John C. Calhoun, ibid., 404.

Congress without opposition, but Polk was gleefully aware Colburn that a majority of the Whigs east in North's district left the office of United States Representative Mann.⁸⁶

The fight flared up briefly again when the legislature convened. Governor Sumner, with Senator McCallie's approval, recommended calling a state convention to take action on the tariff. But the Polkian-Polke controlled legislature defiantly postponed consideration of the Governor's message, and elected a colonist, William Allen, to succeed Sumner.⁸⁷

When Congress convened on December 5, 1844, North, though no longer a Colburn confidant, was present to fight alongside the Colburn faction for the annexation of Texas. On December 12, Charles J. Ingersoll of Pennsylvania, reported a resolution from the Foreign Affairs Committee calling for annexation of Texas into the union.⁸⁸ After numerous amendments and substitute bills had been offered and debated, North made his own speech of the matter on January 21.

After disclosing many of the other arguments against admission of Texas as "Mexican soil," North related the major objection to Texas annexation was only "the effected through the treaty-making power"; and

⁸⁶ Ibid., 106.

⁸⁷ For more complete details of the Polkian Movement see: R. H. Stephenson, Texas and the Polkian Era (New Haven, 1901), 104-115; January 5, 1845, The Annexation of Texas and the Polkian Movement in North Carolina, "The Historical Value Historical Series, VI (1904-1905), 107-108; North, Robert (1800-1860), 89-90; Charleston Daily Mercury, Charleston [Daily Mercury], 104-105, 106.

⁸⁸ North, Robert, U. S. Cong., 1 sess., 1, 21.

"a foreign State cannot be admitted into the Union by any power in the Constitution." Agreeing that the burden of proof lay on those advocating admission, North again resorted to examination of the Constitution. Contrary to the first objection, North found no specific grant of power to the executive to admit new territory but he did find a power granted to Congress to admit states. Furthermore, he reasoned that the admission of Texas was fundamentally a question for Congress to decide because it had more qualifications internal in nature than external. The only external factor involved was the allegation that annexation would be a declaration of war with Britain and that power, indeed, was specifically granted to Congress.

In refutation of the second big objection, North, according to White, constructed a characteristic Whiggishness to push logic to the extremes of logic which was for him the repudiation of doctrinaireism.⁴⁹ Now North went into an examination of state sovereignty and reasoned that "to be a state at all, or to come into the Union at all, it must be sovereign." This led him to the divine inference:

To make a compact with the Union, a State must be a State--that is, sovereign and independent and to come into the Union, a State must be not of 14 and if not of 14, then it is foreign to 14. To be a foreign State, so far as the Union is concerned, is therefore, a necessary state of things, for the admission of a State into the Union. To deny this is to use terms without meaning.

Taken in context, the conclusion "that because Texas is a State foreign to the Union constitutes no reason for not admitting her into the Union"

⁴⁹White, Robert Barnwell North, 85.

is hardly as clear as White implied—especially if Black is granted the position that all states of the union were sovereign.

Black mostly disposed of a secondary objection that the Constitution placed citizenship requirements of seven and nine years, respectively, on representatives and senators. He considered that prohibition on the states lesser than the grant of power to Congress to admit states. Furthermore, he believed that representation of a new state by one who met the constitutional requirements by virtue of previous citizenship elsewhere in the union was the "end of the argument."

Black mostly disposed of the two basic arguments, Black dealt with the contention that the question was a sectional one. He could hardly see how any state admitted would not lie geographically in one section or another. As for sectional political differences, the union was already in such sectional turbulence, that the admission of another Southern state would only serve to restore the domestic tranquility so vital to the union. The speaker's goal was that all just as he attacked the sectional agreement of the South which led only to "enlarged power [and] . . . disunion."²⁰

Four days later, the Ingersoll bill passed the House, 129 to 38, and, on February 18, Senate amendments were agreed to, 121 to 75. At the same time, on March 1, a message reached the House that President Tyler had approved the association resolutions. The message received a "loud burst of applause . . . which rose with difficulty

²⁰Am. Chmp. 18 Cong., 2 Sess., 144-147; Appendix, 113-114.

expressed.¹¹ After having voted with the minority throughout his third and fourth terms in Congress, Sumner found himself in the majority group on a big issue at the close of an administration which had started out Whig and ended more nearly Democratic.

Sumner had been accustomed to violent thought and rebellious language during the period of the tariff of discrimination and nullification. By 1850, however, he had acquired a degree of self-restraint. He had decided to follow the somewhat tortuous course of his acknowledged "political father." He seemed to have learned the lesson well that political success, whether for personal power or principle, requires a willingness to compromise. At any rate, the impetuous firebrand of Sumner's early career was able to stand firmly and relatively safely in defense of Southern principles against the hated Mexican system, while accepting defeat after defeat with reserved determination to run the peaceful processes of government to achieve his ends. He continued to speak of Southern rights and threats to the Constitution and liberty, but he seemed no longer to delight in the rhetoric of revolution. This apparent flexibility, aided by his energy and "efficiency," as well as by a combination of external conditions, raised Sumner to the apex of success in the Whig organization. The complex of compromises, however, would not permit his promotion to the Senate. But he did rise to the zenith in the Whig constitutional campaign manager, editor, confidential adviser,

¹¹Sumner, Works, 2d Cong., 2 Sess., 124, 125, 126.

Especially, in the face of defeat in both politics and principles, Thett seemed to realize that compromise was more than a temporary expedient—that it was a way of life in party politics. His nature rebelled. His belief in action, whether conceptual or conditional, was too strong to permit further vacillation. Having left principles behind in his climb to the pinnacle, he was willing to risk a head-first plunge to rescue them. As had been his experience through twenty years of public service, his rhetoric of resistance was again thwarted by political expediency. Nevertheless, his brief ascent-like climb through the law country passed on to a younger generation the thoughts of danger which had so impressed Thett twenty years before. Again in defeat, Thett yielded to later forces in his continuing and withdrew into a minor arena to await a day when circumstances would become more favorable for his convictions. The extent of the impression was not immediately realized, but Thett indicated a few years later that he became a nationalist in 1894.¹²

¹²See 1898 Liberator's Hall speech below.

CHAPTER VII

SLAVEY AMBUSHES OF THE FOLK ADMINISTRATION

For almost twenty years Sumner had tried to warn the South of the imminent danger to its institutions. In his speeches to his constituents, to the state legislatures and in the United States Congress, he had opposed all measures which tended to centralize power to Washington and thereby deny the sovereignty of the states. He saw a growing military movement which, with the increasing population to the free states, would enable a centralized government to destroy slavery and the entire white culture of the South. During the Folk administration Sumner's prophecies began to materialize in the state of numerous further moves. Internal Improvements, a national bank, and the tariff question had seemed to many Southerners to be routes from abolition of slavery. But the Oregon Question and the Mexican War were to bring to their end a host of agitation for the exclusion of slavery from the new territory which was a threat to every Southern interest. Sumner was there with his warnings. The accuracy of his earlier prophecies lent additional force to his protests.

Events subsequent to the inauguration of James K. Polk seemed to confirm the suspicions expressed to Sumner's Slavery Nemesis. Calhoun was appointed as Secretary of State by James Buchanan, from the heart of the protection belt, Pennsylvania. He strong Calhoun supporters were to the new cabinet, though efforts were made to placate the

Sen. Robert A. Walker of Mississippi became Secretary of the Treasury; Gov. Johnson of Tennessee was given the party patronage portfolio department; John Mason of Virginia continued as Navy Secretary. Calhoun was urged to accept the British Mission with authority to settle the growing friction over the Oregon question, but he declined. Both Calhoun and Mason refused the same offer, and, according to Wallace, Calhoun was considered for the post but dropped by Polk because of his outspoken criticism of the new administration.¹

Opposition to the tariff and Calhoun's personal financial improvement combined during the summer of 1845. For several years a claim had been pending against the British government for repayment of duties on rough rice collected in England in violation of an 1835 agreement with the United States. Calhoun went to England as attorney for new South Carolina rice growers. He could use his frayed financial condition while using the settlement of the claim as leverage for paying more favorable tariff legislation out of the next Congress.²

Before the opening of the heavy-rice Congress Calhoun made over gestures toward restoring himself to the grace of Calhoun. In September, 1845, after his return from England, he wrote Calhoun of a

¹Wallace, John S. Calhoun: Statesman, 181-187; Wallace, Calhoun: Life and Letters of Thomas Jefferson Smith, 19-20.

²Smith, Robert Reynolds Smith, Ed.; John Barrett Moore (ed.), The Works of John Calhoun, 12 vols., Philadelphia, 1891, VI, 327-328, VII, 27. Smith wrote Calhoun, December 11, 1845, after his return from Europe that he expected to make about eighteen thousand dollars from the rice claim, plus an equal amount from his crop that year. He was heavily indebted to Calhoun's bank, but thought his prospects were "astonishingly brightening." Franklin S. Moore Papers, Library of Congress.

conference with President Polk "on the subject of the tariff,"² North was of the opinion that the administration was not willing to go further in tariff reduction than the Haley bill went, and implied of Calhoun, "What course then shall the delegation pursue in Congress?" He gave Calhoun the assurance: "For my part, I shall not be found again as at the opening of the last Congress, attempting what our friends have not courage to execute." At the same time, North readily revealed his political job-father, "you know my opinions of the Democratic Party," and implied that he feared nullification.³

If Calhoun had any doubts about North's having changed since Stafton, the closest advisers did not. H. E. Smith of Virginia, who had been confidential clerk to Calhoun when he was Secretary of State, wrote a few days after North's departure:

If they can drive S. Carolina into Nullification, they will give you, as they expect the people in general, such I fear to the nation. James Fors, I so told that Mr. North declared . . . that if the tariff was not brought down to the Revenue standard at once, the State would nullify, and that if you did not go to the full with them they would leave you dead behind. Such I was told by some gentlemen here was the purport of his remarks.⁴

Calhoun, though he wrote James H. Hammond of South Carolina that the tariff question would "not be met by the administration as it ought," thought it was "too soon for us to say yet, which course we ought to take, except that we shall withdraw all support from those in power if they

²Correspondence of John Q. Calhoun," Ann. Hist., 1846-1851, with William Cross (ed.), The Diary of James H. Hays, 1845 to 1849, 2 vols. (Chicago, 1910), I, 27.

³Correspondence of John Q. Calhoun," Ann. Hist., 1851.

should decide us.⁵

When the twenty-sixth Congress convened, on December 1, 1839, the South Carolina Democratic delegation, though members of the majority party, were definitely a minority faction. Their candidate for Speaker, James Davis of the Nauphins, received only nine votes, while John W. Davis of Indiana, the administration choice, was elected with 139 votes.⁶ In this precarious political position, and with the vital Oregon question the principal issue, it was considered desirable to have South Carolina's other statesmen on the scene. Therefore, Roger resigned and the legislature promptly elected Githens to the Senate.⁷

Githens, though still suspect in the eyes of the Calhoun circle, did not take a back seat to Congress. If anything, the convergence of conditions provided him increased efforts. During the first session of the twenty-sixth Congress he was on his feet in the House thirty-three times. Most of these appearances were to relay legislation or to make brief comments, but he did make full-length speeches on most of the major issues which concerned the status of the South in the Union. He did not, however, write up any of his speeches in that session for publication in the Representative Globe.⁸

⁵Ibid., 473.

⁶Proc. Globe, 27 Cong., 1 Sess., 2.

⁷Wilson, John C. Calhoun, Representative, 379-380.

⁸Journal of the Cong. Globe, 27 Cong., 1 Sess.

The first vital question to arise before the Senate concerned the Oregon Territory. On January 5, 1851, Taggart, Chairman of the Foreign Affairs Committee, of which Smith was again a member, reported a resolution requesting the President to give notice to the British government of the termination of the joint occupancy agreement of 1811 between the two countries concerning Oregon.¹⁷ The administration, following the lead of those who wished to extend United States sovereignty in Oregon to latitude fifty-four degrees and forty minutes, was opposed by a large group of anti-slavery Southern Democrats who wished to stay at the forty-ninth parallel. Although the Southern Democrats were joined by a few protectionist Whigs like Webster and Calhoun, the division was almost the same as the free trade-protection division in Congress. This sectional nature of the issue was approached by will known abolitionists like John Quincy Adams leading the fight for all of Oregon as a counterbalance to Texas.¹⁸

Following the lead of Calhoun, and, no doubt, with strong personal as well as political reasons of his own for wanting to avoid war with England, Smith got on floor the day the Taggart resolution was reported. Although, according to Willson, Smith had just returned from a California vacation at home where he had not had time to prepare a speech on the Oregon question, the war at once the necessity and importance of breaking the alliance on this, the peace side of the

¹⁷Am. Hist., 37 Cong., 1 Sess., 178.

¹⁸Willson, John Q. Adams: Constitutional, 256-257.

question²¹ Furthermore, "so strong was the feeling which prevailed, and so unpopular the opposition, that it was deemed political death to any Senator who should have the hardihood to vote the contrary." Nevertheless, Davis went in the face of the advice of his friends, who "predicted, as the result, the inevitable destruction of himself and his wing of the party."²²

Davis opened his speech by attempting to turn the tables on advocates of the resolution who had predicted the opposite of the bill would be "condemned to eternal disrepute and failure." He targeted Lincoln directly to the Democratic leaders who had opposed bringing up a similar bill at the preceding session and pointed out his own consistency in that "he . . . stood precisely in the same position at the present time that he had occupied at the last session."

Davis's major argument was that "plain, unperverted men . . . would be the effect, the inevitable effect, of giving this action." Furthermore, it would be a war in which the United States would be the aggressor. The Oppositional Union summarized Davis's statement of the effect of such a policy:

If we should put ourselves in the attitude of those nations who carry no wars of aggression, the last refuge of liberty that was left among the nations of the earth would be forever lost. We must have strong and important reasons to justify us in entering upon any war, still more an aggressive war. What reasons have been offered for a course of measures which may lead to war? Has Great Britain, since 1847, violated any of our rights? Has she injured any of our citizens in their persons or property? Is she making any more progress in the civilization and occupation of the territory than we are?

²¹Wallace, Political Life and Services of Robert Russell Davis,

Stark went on to demonstrate that the United States, without terminating the connection with England, was "quietly, peacefully, and effectively," gaining control of the territory through migration and settlement. In the other hall, he stated the possibility that even "the fleet got me fired, you would have no more of Oregon." He believed that it would be very difficult to win it back.

You must fight in every region of the world wherever British commerce extends, and British power is felt, and British strength is accumulated. You must battle the British line in the East, you must tear down the pillars which support the vast structure of the British empire—the most magnificent that the world ever beheld; and when you have placed your feet upon the heads of her subjects—when you have trampled upon her flag which is venerated in every part of the earth—then, and not before, you will get Oregon.

Stark continued to add that he was not afraid of war, but was so reason to risk losing Oregon in a war with England, which even if victorious would probably see in the United States "billions sold . . . substituted for constitutional order." He contended that he was "a reasonable man" who had been struggling in Congress since 1846 "to get some limitations upon our Government." He denounced those who led the outcry for a "war for honor." He thought it inconsistent that, "the bill is a devil, they would denounce as monstrous, to wage a bloody and devastating war, they would call heroic."

In this connection Stark made an attack upon John Quincy Adams which involved these two opposing advocates in a heated exchange. He contended that Adams opposed the War of 1812 but was now a strong advocate of war measures. Adams asked for the floor for a reply, in which he pointed out that he was in Russia from 1809 to 1812, where he had

been met because of his support of Jefferson's measures in opposition to England. Adams revealed that he attributed South's error "to the ignorance of the gentleman, and not to malignant intent."¹⁷ South replied sarcastically that he did not know those facts about Adams because he did not consider the gentleman's history that important. South then shifted the attack to Adams' hostility to the South.

Before concluding, South mentioned attacks which had been made on the political abilities of Calhoun. He denied that there was any truth in the rumors that political abilities caused the South to oppose the Oregon bill. In the contrary, again invoking the tables, South argued that the two three Democrats were trying to get revenge on the South for causing Van Buren's defeat for the nomination for President.

In his conclusion, after summarizing his reasons why his state opposed a war for Oregon, South proclaimed that if war should come South Carolina would "be found in the front rank, where the battle is hottest; and where the flag is greatly waving, there will also be found,"¹⁸ He closed on a mild note, recommending that negotiations be left in the hands of the President.¹⁹

The next day South again rose to Calhoun's defense when Stephen King of New York accused the South Carolina Senator of having arrived at an understanding with England on Oregon and Texas. South interrupted to reply to the accusation and to "protest as is warranted, and absolutely refuse." Following his statement there was "great confusion in

¹⁷Ann. Reg., 27 Aug., 1 Dec., 1844.

the Hills, . . .¹³

Thett again argued in a controversy which caused "great confusion in the Hills," when he responded the argument with Adams about the alleged opposition of the latter to the War of 1812. In 1841 from a letter Adams wrote to Secretary of State James Monroe in 1812, saying that he could "see no good so likely to arise from it [the war] to say no."¹⁴ After Thett had presented other documentary evidence in support of his charge against Adams, he relinquished the floor to Adams for a lengthy reply. Adams contended that Thett had treated him out of context, and went into detail about his prominent part in the Treaty of Ghent. William Lawrence Tracy of Boston called Adams to order for irrelevance as he went into a general discussion of the Oregon question. Ground for Adams to continue was contained except for a "heavily disappointed us, [from Tracy] that set the House into a roar of laughter." Adams continued briefly, bringing Thett to his feet to loudly deny that he had said he did not believe a word Adams had uttered. After several minutes Adams closed the exchange by saying, "I wish to have no more to do with the gentleman." Thett replied in a tone of resignation. He admitted that he had never seen the complete texts of the letters he quoted, but promised to read them. He talked again about Adams' support for the North, but pointed out that he was not charging Adams with "treason, with falsehood." Thett emphasized that he had no desire to injure Adams, having mentioned him only "as a representative dissenting

¹³ibid., 147.

great success."¹⁴ Adams recorded that Smith's reply was "a sparkling, witty, general diatribe . . . to which I made no reply."¹⁵

When the Oregon resolution came to a vote in the House on February 2, 1846, Smith and the rest of the South Carolina delegation, except James Blaine, voted with other Southern Democrats to record fifty-four yeas against the resolution to MP for TN.¹⁶ When the bill went to the Senate, Calhoun and the other Southern free slaveholding states, who constituted a majority in that house, were able with some support from across the aisle to amend the bill to remove the western threats.¹⁷ Subsequently, the danger of war with England over Oregon subsided. Calhoun thought Smith's opening speech on the question had "materialized much to break the spell that had paralyzed the operations of the war party."¹⁸

The next continued lesson to convince Smith to speak was a personal one which almost always brought bitter protest from his lips—appropriations for Internal Improvements. As a member in Congress during the summer of 1846 Calhoun, looking toward a North-South alliance, had made personal verbal approval of Internal Improvements involving the Mississippi River.¹⁹ Furthermore, Calhoun engaged in a fiery act of

¹⁴ Adms., 102-103.

¹⁵ Journal of John Quincy Adams, VII, 150-151.

¹⁶ Cong. Globe, 27 Cong., 1 Sess., 343.

¹⁷ Adms., VII.

¹⁸ Calhoun, Public Men, Private Confessions of Robert Barnwell Smith, 21.

¹⁹ Adms., John G. Calhoun: Southward, 103-104.

force-straddling on the old issue in the Senate, he contended that he was not abandoning his former position when he argued that the general government could appropriate money to assist states in improvements if the projects were beneficial to the entire country.²⁰ That, on the other hand, demonstrated his belief in expediency as the only reasonable policy for a statesman. In February 24, he spoke in resolute opposition to an online Internal Improvements bill which appropriated over a million dollars.²¹ Although he admitted that his arguments would not prevent passage of the bill, he desired to stand up as a warrior for a "firm and ancient republican principle," being into a lengthy "constitutional argument in defense of the position that he took," that was as firm as ever in his conviction that the principle of Internal Improvements "overrode the Constitution of the United States." That the Constitution should be buried under the weight of the system of Internal Improvements, it was "glory enough that he, and those who remained with him, were entombed with it."²²

If that, one more than ever, was willing to go with Calhoun only when Calhoun happened to be going in the same direction, he found himself on this occasion a traveling companion of President Polk. In spite of his expressions of lack of confidence in the administration, that was more than willing to accept a powerful ally. On August 3,

²⁰Wash. Globe, 27 Aug., 1 June, 743-744.

²¹For contents of the bill see Ibid., 570-571.

²²Ibid., 458.

The President returned the Internal Improvements bill to the House with a veto message affirming the oft declared constitutionality of such appropriations.¹⁷ In the discussion following the reading of the message there was no ready to defend Polk's vote as he had been to defend Tyler's veto of the tariff in 1842. He compared Polk's action with Van Buren's veto of a similar bill, and pointed out that Democrats were now using the same arguments against Polk that the Whigs had used against Van Buren. As for himself, he stood consistently where those true to the principles of the Democratic-Republican Party had always stood. He was in this vote "a man bound to the power of the party," and he hoped that it might "swart the universal enemy of Federalism over the land."¹⁸

This growing friendliness toward Polk was not a sudden development. It had been nurtured for several weeks by their agreement on the Mexican War measures and the tariff. The President sent a message to Congress on May 22 describing the growing hostilities with Mexico as a state of war and recommending to Congress "the immediate appearance in arms of a large and overpowering force . . . as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination."¹⁹ While were immediately introduced into both houses of Congress declaring that a state of war existed, and mobilizing forces. Scott and Polk took identical positions on

¹⁷ Id., 1185-1186.

¹⁸ Id., 1187.

¹⁹ Id., 776-777.

the two sides of the seceding-both understanding that they were willing to provide the men and money requested by the President, but would stop short of a declaration of war. Nevertheless, when the bill in the House came to a vote that same day, South and the rest of the South Carolina delegation were among the 17% who voted for its only opponents, including John Calhoun Adams, were opposed. In the Senate only Thomas Clayton of Delaware and John Davis of Massachusetts voted in the negative, while Calhoun, along with John B. Scurran of Georgia and George Evans of Maine, abstained from voting.²⁶

Immediately after the vote on the Oregon bill, a resolution endorsing the tariff was reported in the House. South Carolina supported the bill as the best reduction which could be obtained. Yet, perhaps due to his embarrassing position during the Kaffian rebellion that the abolition of Felt would not bring a reduction in the tariff, South was silent on the bill. In due action, however, in pushing it through the House, where it was passed on July 6, 1861, by an almost straight party vote, 124 to 55.

With Congress about ready to adjourn,²⁷ Felt submitted a request for two million dollars to defray "any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations."²⁸ The House, complaining of lack of time to debate

²⁶ ibid., 173-184.

²⁷ ibid., 185.

²⁸ ibid., 185.

the measure, charged the President with the intention of holding or buying additional territory in the southern latitudes. Then "the incident occurred that would set the stage for the national struggle of the next decade and a half, not least at least in foreseeable way,"¹⁷ after considerable argument over the bill and attempts by Seward to revise it to please the Whigs, David Wilcox of Pennsylvania introduced an amendment providing that "neither slavery nor involuntary servitude shall ever exist in any part of said territory." The Wilcox provision was adopted, H. to S., and the amended bill passed the House, H. to S. The issue was postponed, however, by adjournment of the Senate without voting on the bill.¹⁸

In August 1846, a week after the adjournment of a surprisingly brief first session of Congress under the new administration, Smith, who along with Wilcox had kept his distance from Polk, went to pay his respects to the President.¹⁹ This was the beginning of a growing influence Smith was to have in the Polk administration. At the same time, Smith was not ready to accept isolation from Wilcox circles. There was still hope for the older statesman to win the presidency in 1848; Smith, after fighting so prominently in the campaign of 1843, wanted to have a part in the victory if it should come. He would not his eye on higher office, as well as on the strengthened Southern

¹⁷Wilcox, John B. Wilcox: A Biography, 277.

¹⁸Ann. Cong., 39 Cong., 1 Sess., 1224-1225.

¹⁹W. L. Moore was a close personal and political friend of Smith's and was frequently in confidential conference with the President. Story of August 1, 1846, I, 124-125, II, 59.

usually which would come from the election of the Senate territorialists.

Thus, as a part of his effort to restore himself to the confidence of Salomon, Keith published an article in the Southern Quarterly Review endorsing as a frank critic of Salomon's plan for development of the Mississippi River as a means of winning support of the rapidly growing western population.³¹

There is no indication, however, that Salomon was pleased by Keith's overtures. Though it is well known that Keith could not obtain time for election to the Senate, he remained in Washington and did not become a candidate in 1864. Both he and Sumner were previously mentioned as successors to Schaffoe, but Sumner observed his one last-day and, placing his support to Keith, urged him to run for him.³² Keith, however, knew that he could not win without Salomon's endorsement, which apparently was not forthcoming. Therefore, he followed Sumner's advice not to become a candidate for the Senate unless he was reasonably certain to win. During this time, Sumner's favorite son was recruited to Congress without opposition.³³

The third action to come up when the second session of the forty-ninth Congress convened was a resolution by Sumner's Senate of Kentucky withdrawing territory was from India. It directed the President to communicate to Congress the information given to military leaders concerning the establishment of governments in occupied

³¹Southern Quarterly Review, I (Oct. 1864), 377.

³²Sumner to Keith, Aug. 22, 1864, Franklin B. Sumner Papers.

³³Charles Sumner Public Speeches, May 12, 1867.

territory. A running argument ensued among Davis, Stephen A. Douglas, North, and others. North contended that all others the opinion on the matter were in error by assuming that the conquered territory was a part of the United States. He declared that Governors Packer and other military leaders were "quakers" when they proclaimed that New Mexico and California were parts of the United States. If those territories were parts of the union, the President through the military commanders had no right, as Davis contended, to organize territorial governments. But they were not part of the union until annexed by treaty or accepted as states. The Constitution, therefore, did not apply in the form of governments set up or in the rights afforded the people. Participants in the debate inferred that North was giving license to despotism in the conquered territory, but North replied that he had not said that the President and military officers could not be responsible for their actions to their own government.⁷⁵

North expanded his interpretation of the constitutional nature of territories when, on January 15, he spoke in opposition to the exclusion of slavery from the Oregon Territory, which he saw as an interfering wedge for the more devastating Fugate Problem. The Congressional Globe summarized the speech:

Mr. North followed in a clear constitutional argument, intended to prove that neither Congress nor the entire Federal Government had the sovereignty over the Territories; but that it lay in the States as joint tenants, and that they had not given to Congress as their agent any authority to make regulations in the Territories which could touch the subject of

⁷⁵North, Globe, 29 Cong., 2 Sess., 12-13.

slavery in any way. All the States were sovereigns, and jointly owned the Territories, and the States of the North could not have those of the South out of their sovereignty over it, and so could not prevent their people from entering them. If they could, it would amount to a power to amend the Constitution, since representation in Congress can't be affected and changed by the abolition of slaves. The northern States were as sovereigns in the Constitution as they were in their own States, and Congress had no more right to exclude slavery in the one than in the other. He replied with words to the language which had been used by Mr. Webster.¹⁴

The speech, as prepared by Smith for the Assembly in the Congressional Globe, was, indeed, a "plain constitutional argument." In referring to the Foundation he had dealt with in the Fort Cobb case in 1854, again he defined sovereignty as "the supreme ultimate authority in a State." He quoted the Constitution to the effect that Congress could legislate for property "belonging to the United States." Since the property did not belong to Congress or the government as a whole, and since "it is a truth, vital to all free popular governments, that sovereignty can never be in government," Smith inferred that the territory belonged to the several States jointly. In demonstrating that the States were sovereign Smith paraphrased the same arguments he had used in 1854. He summarized his case at the beginning of his peroration:

Mr. Speaker, I have endeavored to show that the exclusion of the northern States, with their slaves, from the territory embraced in the bill, is without authority. For that territory we have not ceded, since it is not probable that a single planter would ever desire to set his feet within its limits. But the right is important, because it applies to future acquisitions of territory, and by refusing to acknowledge the obligation of the Missouri compromise, you throw upon the whole question of power. I have endeavored to show, that it involves the integrity of the Constitution, the

sovereignty of the States, and the liberties and safety of
the southern states.

Apparently referring to the remarks of John Pettit of Indiana,
who the day before had made a bitter attack on slavery, under consider-
able heckling by Thurt and Charles Lums of Maryland,²⁷ Thurt moved
into a characteristically "new" conclusion. He began by lamenting
"the language of defiance and contempt towards the South, which has
been used in this debate," to a conclusion that he could not understand
"What have we done to elicit it? What have our people done to merit
it? . . . We are told that we are 'taunted,' and are 'provoked.'" Thurt
interpreted the Northern attitude as growing from a belief that the
"Union is not in the least danger from aggressions on our institutions,
or from any other source for we dare not dissolve it." Drawing some
ridiculous prophetic laughs into the feelings of the South, Thurt
warned that such taunts as that made by Pettit were more dangerous to
the union than anything else: "We know full well that pride often
excites passion, and that wrath is often more potent than argument.
Northern land revolutionaries and to date, is to excite them." Thurt con-
cluded that it was a mistake to assume that the South could be dis-
turbed by fear. He concluded:

For, the gentleman's taunts are exactly such as greeted our
fellows in our Revolution, from the British Parliament. They,
too, were cowards, when a single regiment could march over
the mountains, and could take advantage and by British
journals and Federalists, we were told that we "could not be
dared" into the last war. Yet we disappointed the contempt-
uous expectations of ridicule them, and may not justify them

²⁷ ibid., 110-111.

see. It does have no other evidence against it. It may be relatively weaker in the balance, but she has "suffered" not those have suffered our prosperity.³⁸

The speech was noted by the Speaker's journal. For, apparently, Clark had completed his argument. He had made a clear and useful exposition of the Southern point of view. He had applied to a current issue the problems that he had used in 1874 and had relied on over since. Perhaps because of the difference between the legislative and judicial occasions, as well as to Clark's thirteen years of maturation, the style of the Oregon bill speech was quite different from the arid character of the Fort Cobb speech. National Correspondence lifted the speech above the preceding single clarity and most presented the freight rhetoric which inspired Clark when he talked of Northern threats to Southern security. At the same time, the rearranged note of threatening direction and war was there. Indoubtedly each of Clark's constituents could understand his threats of conflict better than has since anti-national logic. Senator Wallis of Maine, in replying the next day, considered Clark's argument "somewhat flat-sour, and bordering too much on the transcendental." After summarizing Clark's argument, Wallis observed that "in response to a simplifying claim, a disclosure of independence power, to understand clearly and distinctly the position the position has taken and in or view it is quite too fine a point for the public eye to read."³⁹ To doubt the public eye, except in the

³⁸ Journal of the Cong. Globe, 29 Cong., 2 Sess., 216-217.

³⁹ Id., 29 Cong., 2 Sess., 197.

South, could not read the fine print of Sumner's logic; nevertheless, as Wilson points out, "the argument was more eloquent and impassioned, but it was in fact the only valid ground the South could oppose to the Wilcox provision."⁴⁰

Though logic may have been with Sumner, power—the stuff of which sovereignty is really spun—was on the side of the South and North. The bill excluding slavery from Oregon passed the House 125 to 38.⁴¹ Two weeks later, on February 1, when a bill came up appropriating three million dollars "to enable the President of the United States to conclude a treaty of peace with the Republic of Mexico," Wilson tried to offer his provision as an amendment, but was voted out of order than Sumner, with plenty of support, "objected strenuously."⁴² After two more weeks of successful parliamentary jockeying by the South, the provision excluding slavery was attached to the bill by a vote of 125 to 106, and the amended bill was passed by the same vote.⁴³ Sumner, after having given the Southern crowd in his Oregon bill speech, did not even try to speak on the Wilson proposal per se. He was brought to his feet, however, when George Seddon of New York, in withdrawing the talk of exclusion of slavery from the territories, alluded to "a gentleman from North Carolina, [who] when an abolition petition was introduced, took up his hat and walked out of this Hall. . . ."

⁴⁰Wilson, *John C. Calhoun: Statesman*, 295.

⁴¹*Cong. Globe*, 27 Cong., 2 Sess., 176.

⁴²*Ibid.*, 203.

⁴³*Ibid.*, 425.

Sumner said that the gentleman was followed by most of the other Southern senators, but they were soon back "and concluded they would not dissolve the Union yet." Also, Sumner contended, there had been further talk of dissolving the union when the twenty-first rule was abolished. Sumner stated that there was any talk of dissolution of the union because of the twenty-first rule, but said he had heard people say that "the agitation of slavery in this floor would have that effect, and that the abolition of that rule would lead to the agitation of slavery." Sumner asked Sumner to point out one member of Congress who had said otherwise. Sumner replied that he thought Sumner had. Sumner offered to furnish copies of all of his speeches as proof, but Sumner declined further controversy.¹⁴

With the end of the twenty-sixth Congress the sectional lines were drawn tighter than ever before. The union in both parties had been aggravated by the battle over slavery in the territories to the extent that Southern Democrats and Northern Whigs alike were beginning to realize that only national unity offered any hope for the South. At the same time, around the issues of internal improvements and the Wilson Proviso, a permanent alliance was developing between the North and the West.¹⁵

One of the major contributions by Sumner during the summer of 1847 was the establishment of a preliminary newspaper in Washington. With Sumner as chairman of the Free-pressing committee, North-branch ap

¹⁴Sumner, 304.

¹⁵Sumner, John S. Sumner, South-west, 30-31.

longer a Wilson confederate considered for either of the new seats. The states never became necessary because of the failure of the State ruling firms, but Thatt was apparently dropped from consideration after R. H. Dwyer wrote Callahan from Charleston that the consideration of Thatt was

directly contrary I know to the views of nearly every friend you have in the city. He is considered to be a jack and alive not in the political, frequently back upon various and dangerous corners, very unstable and variable and imprudent [sic] and unskilful of all about him, with neither talent or direction and without sympathy or popularity with the great mass of non-unionists right or wrong this is the feeling of the public with regard to him and it would surely be neither the part of wisdom or discretion to force him or any other person on [sic] this acceptable upon the people in any respect much less as Miller of an important paper. . . .

I distrust Mr. Thatt [sic] thoroughly to yourself not but that I believe he respects [sic] advises you greatly, but his position is of an essentially selfish character as to leave no doubt on my mind that he would without hesitation sacrifice you and all the world besides, if the least in the way to his own advancement and I refer to prominent acts of his own life in confirmation of what I say. He strives to get you out of the South to make way for himself. He spins out only against but dissuaded you on another occasion than you dissuaded his wild and desperate attempt to proscription this state late each action three years ago and if we are informed currently Thatt ready now to advise you on the Government of the Mississippi and separate with you on that subject if never say. I have an unkind feeling toward Mr. Thatt and never had, as the century I sympathize to the Fall his talents, his energy, industry and elevated private character . . .

Thatt, apparently aware of the strength of the opposition to him within the Wilson faction, continued to offer his support to Callahan until he appeared to waver. In May, 1867, Thatt wrote Callahan that he expected the Volgs to have a majority in the House in the

¹⁰Correspondence addressed to John C. Callahan, Volgs, 270-271.

thirtieth Congress and to elect General Taylor President in 1847.⁴⁷ North then turned to Polk as the best available means of winning the tide that was sweeping the South. Polk, who had never been able to win Calhoun's support or friendship, accepted North as one who might help prevent the growing split in Democratic ranks. Before Congress convened in December, Polk received in his diary:

I submitted the draft of my message confidentially to the Hon. Mr. North of N. Carolina. He examined it alone in the room adjoining my office. He approved it generally, but suggested two or three modifications, one of which I adopted, it not changing the sentiment, but rather the language in which it was expressed. . . .⁴⁸

When Congress convened, the Whigs, as North had predicted six months earlier, had a majority of seats in the House of Representatives. When the Whigs failed to elect a speaker on the first ballot, Jacob Thompson, Democrat of Maryland, voted for North on the second. North polled seven votes on the third ballot, when Robert C. Winthrop of Massachusetts was elected.⁴⁹ Although Winthrop of Kentucky was by far the strongest of non-Democratic candidates distributed among three ballots, Winthrop claimed that the administration "party, including the President desired his [North's] election to the Speakership."⁵⁰

⁴⁷ibid., 277.

⁴⁸Diary of James K. Polk, III, 296.

⁴⁹ibid., 296, 30 Aug., 1 Sept., 2. Those voting for North, all Democrats, were: Henry Sefton and William S. Brown of Virginia, Robert W. Johnson of Arkansas, Richard P. Simpson and Alexander S. Hall of South Carolina, Frederick P. Stanton of Tennessee, and Jacob Thompson of Maryland.

⁵⁰William, Political Life and Services of Robert Russell North.

From the beginning of the session Thell sat on the floor more often frequently than in the twenty-sixth Congress. Although he had the floor thirty-seven times for speeches, replies, or inquiries, he made only two speeches which were of major significance in his role as spokesman for the oppressed Southern slavery. He spoke both of them for the Constitutional Right. In both instances the Daily reporter omitted details of the speeches, believing that they would appear in the Journal.

Thell's first important speech of the session was on the Southern War. The President's message, which Thell had approved in advance, was almost entirely devoted to that subject.⁵¹ Thus, in discussing referral of the message to appropriate committees, the House opened up the whole subject of the war. The Whigs were attempting to ruin political capital by flailing on the Democrats the cost of starting and prolonging the war. Nevertheless, those opposed to the war were reluctant to cut off appropriations for the government--if, indeed, they had a sufficient majority in the House to do so. After almost two months of debate on the war, interrupted only when necessary to transact other pressing business, Thell got the floor on January 27 to re-take attacks on the administration.⁵²

Again Thell gave a clean-cut but somewhat inferior treatment of the Constitution. The re-write of the speech opened with a

⁵¹Am. Union, 20 Aug., 1 Nov., 4-12.

⁵²Am., 212.

declaration of his approach to the debate: "A constitutional fallacy has been the prolific source of half the complaints, and more than half the speeches, made by our friends on the other side of this Hall." He then proceeded to state the constitutional error and the related arguments of the opposition, all of which he considered equally specious:

That fallacy is, that Congress is, under the Constitution, the war-making power. Hence it is inferred, that the President begins the war with Mexico, and begins it unconstitutionally; that Congress has a right to prescribe, limit, and determine the objects and purposes of the war; and that Congress has a right to fill legislation in prosecution of the President relating to taxation, or the war, or its operations. I think the principle is false, with all its deductions.

Defining war as "a state of hostility and enmity between every man, woman, and child, of one nation, with every man, woman, and child, of another nation," Davis pointed out that Congress had only the power "to declare war." In explaining the meaning of this power Davis used the technique of semantic interpretation as popular with the constitutional lawyers. He argued that, since Congress had the sole power to declare war, it was not war until so declared by Congress. He cited a long list of "collisions of arms with other nations" which were not considered war. If these were not war, "why should a little fight on the Rio Grande between a few soldiers and a captain of dragoons, in which a half dozen men were killed or wounded, plunge us at once into a state of war?" Thus, Davis labeled the position of Polk's opposition as being "not only against the Constitution but all its past operations."

Parading the Constitutional fallacy, Davis maintained: "The slightest reflection must show that there is a vast difference between declaring and making war. The one puts a country in a state of war, the other

replying to it." He turned to "Mr. Bellows's Opinion in the Convention," a copy of which he held in his hand, to show that the framers of the Constitution had substituted the word "declare" for "make" in the declaration of legislative power with "the clear intention of giving to Congress no power to make or contract war, but leaving this Executive function wholly with the President." It was said that, North pointed out that Congress could control the making of war through its power of appropriation and impeachment.

North next turned to whether the President had a "constitutional right, without the direction of Congress, to order our troops from beyond Mexico to the Rio Grande." He went into documentary evidence, most of which was before Congress, to prove "that when the troops were ordered to the Rio Grande, information was before the President that negotiations must fail with Mexico." North reasoned that if the order were unconstitutional, "then it will be difficult to show that the President can order my circumstances, constitutionally order my any anywhere, for any purpose, within the United States." Referring to an abridging the argument of the opposition, North concluded that it would make Congress "commander-in-chief of the army and navy" and that Congress could never be used "until the Senate, by its check or majority-vote gives the order to march."

As to the last fallacious argument concerning the right of Congress to information from the President, North turned the constitutional stipulation that the President must "from time to time, give to the Congress information of the state of the Union, and recommend such

measures as he shall judge necessary." The responsibility, North contended, was on the President. Others did not find any authority for Congress to demand information at the President's if it decided to do so, the President had a perfect right to refuse. North believed that the overwhelming power of the President frequently required that in the public interest the President withhold information from Congress.

At the beginning of a procession which comprised almost one-fifth of the entire length of the speech North resumed again:

Mr. Chairman, I have thus endeavored to show that the war-making power is not in Congress, and consequently that the President of the United States did not unconstitutionally begin the war with Mexico; that Congress had not a right to prescribe, limit, and determine the objects and purposes of war; nor has it a right to all information in possession of the President respecting treaties of war.

North was explicit that his position made his "assault" on the legislation of being a work of unconstitutionality, on the phrase given, in favor of Executive power.³ He cited the founding fathers in support of his belief that all executive power should rest in the hands of the President. The Constitution wisely so endorsed the President while giving Congress only limited legislative powers:

All the dangers to our system of government, all the usurpations which have afflicted the Union, and threatened its dissolution, have been from legislative encroachments. Congress, not the President—the statute books, not the executive has kept the Union in agitation, and kindled parties into furious contentions. The alien and sedition laws, taxes, protective tariffs, internal improvements, and slavery, have incessantly risen up in Congress, subjects usurping powers not granted by the Constitution.

Finally asserting that "the security of the South is in the Constitution of the Constitution," North associated the Whig Party for "the usurpation and desperate warfare on the constitution."⁴ Furthermore, he

around the Whigs of using the war with Mexico "as the great instrument of their success at the next Presidential election." Reporting that the Whigs considered the "prejudices of the Democratic party a far greater evil than the Mexican War," North expatiated: "We, our Whig friends do not intend, do not wish, to stop this war. A peace, if effected tomorrow, would be to them very far from grateful news." If they wished to stop it, North defied them to cut off appropriations for supplies.

As for the abolitionist Democrats, North concluded:

They deplore the war with Mexico but deplore far more that war on the Constitution, which, whilst paying the principles, leaves it the mere instrument of a concession may tempt despotism, withdrawn to Congress. The success of this war, unlike the war with Mexico, which has brought us at least distinction and renown, may bring us only infamy and dishonour; and stimulate the victor by the destruction of the rights of the States, and the liberties of the people.⁵⁰

Five days later, on February 3, North obtained the floor for a "personal explanation." The day before, while North was about to prepare his speech for the press, William L. Goggin of Virginia had denounced him for having accused the Whigs of "giving aid and comfort to the enemies of their country, and prolonging the very war they unanimously denounce!" North pointed out that he had been misquoted, but admitted that his statement on the matter "was entirely too strong." North was called to order several times as he went into a general refutation of Goggin but the Speaker refused to rule on that and referred to a personal explanation; several appeals from the chair were laid on

⁵⁰ Appendix to the Deb. Clery, 30 Cong., 1 Sess., 423-424.

the table. Keith quoted Duggin at length to show that the Virginians had misinterpreted and misquoted Keith's denial of "artificial attachment to the Union" in his speech in the South Carolina convention of 1851. Keith contended that Duggin would have taken the same position if his state had been threatened by Federal troops. In fact, he denied that Duggin, or "any Republicans in Virginia in 1851," would have qualified the statement as Keith had. Then Keith read from the published text of his 1851 speech his statement of "devotion and attachment" to the Constitution and "the Union it was intended to create."²⁴

During these battles on the floors of Congress party politics was in constant looking toward the 1860 election. In 1857, when it became apparent that Fillmore could not have the nomination, both parties began to court the firm of General Zachary Taylor for their tickets. Keith was in correspondence with Jefferson Davis, Fillmore, and others regarding Taylor's views on matters of concern to the South. In June, 1857, Keith reported to Fillmore that Governor Albert G. Brown of Mississippi had said that Taylor was as sound on the tariff as Calhoun and was understood to oppose a United States Bank. Keith added "We may be driven to support Taylor; but I fear the Whigs will render it impossible by nominating him as their candidate, by a National Convention."²⁵ By September, 1857, Keith seemed to be even cooler toward Taylor. However, he wrote Fillmore: "Can you see the confidence of the

²⁴ Annals of Congress, 30 Cong., 1 Sess., 185-556; National Intelligencer, Feb. 7, 1857.

²⁵ Correspondence of John A. Fillmore, Jan. 21, 1858.

South. But if the Tar, and the Slavery question are not settled during the next Session of Congress, the Democratic Party will be defeated, and our expectations of Party will arise.⁵⁶

The first of these questions was settled when in late February, 1854, Sumner agreed to a treaty, which with slight modifications was approved by the Senate on March 1st. Not until May was approval obtained by Sumner, and it was July before President Fillmores Cabinet Congress of acceptance and requested appropriation of the twelve million dollars to be paid to Sumner.⁵⁷ Thus, according to Sumner's prediction, the election of 1854 was to hinge on the slavery question.

In May, 1854, President Fillmores recorded reading to Sumner his letter to the Baltimore Democratic Convention withdrawing his name:

Mr. Sumner said that the people of N. C. approved up administration and would have supported up re-election with unanimity, notwithstanding Mr. Fillmores's course. He declared that he could not support Sumner if he should be the nominee, and that N. C. would not and would not support him. He spoke enthusiastically in approbation of the principles and measures of up administration.⁵⁸

Following this indication of opposition to Sumner, Sumner made his second major speech in the first session of the 34th Congress on June 1. A few days earlier Sum had been nominated at Baltimore, and, over the vigorous protest of Sumner, a Democratic platform had been adopted which expressed confidence in the wisdom of popular

⁵⁶Ibid., 2178-2179.

⁵⁷Sumner, Works, 3d Cong., 1 Sess., 202-203; Fillmore, John G. (His Name), 207-208.

⁵⁸Speech of James L. Webb, 23, 475.

sovereignty for territories.⁵⁹ Although there was no bill concerning the territories under discussion, Sumner was able to get the floor in the Senate of the Senate for an hour-long speech on "the rights of the people of the western States to remove to any of the territories of the United States, and take with them their property of every description."⁶⁰

He began the speech by having the Clerk read the resolutions passed by the legislatures of Virginia, Georgia, and Alabama defiantly opposing any legislation which would keep slavery out of the territories. Sumner added that South Carolina had adopted word for word the resolutions passed by Virginia. By way of moving from this opening to the body of his speech Sumner outlined three articles which had been proposed for excluding slavery from the territories: "The first is by the legislation of Congress; the second, by future legislation in the Territories; the third is by the past legislation of the territories, before they become Territories of the United States." He hoped that the first volume had been "lost and forgotten . . . under the name of the Wilcox project, in Congress." He considered the other expedients to have been brought up either because "we are very hard to exclude from our Territories, and therefore the necessity of multiplying expedients, or they have no confidence in any of them, and therefore the old resort of a whole mass--a deluge of words." Sumner at the last

⁵⁹Washington National Intelligencer, Nov 3, 1845.

⁶⁰Am. Gl., 30 Cong., 1 Sess., 208; Washington National Intelligencer, Nov 3, 1845.

action of Congress he had "endeavored to show that Congress has no power to exclude us," that indicated that he would devote this speech to the other two alternatives--both of which he considered weaker than the first scheme.

In discussing of the popular sovereignty "by future legislation" that quoted the Declaration: "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory and other property belonging to the United States." He contended that both logic and precedent proved that this meant Congress had exclusive legislative authority over the territories. Furthermore, he argued, the territories possessed no sovereignty, which must lie in the several states where the sovereignty of the union resided.

The other alternative, popular sovereignty by "past legislation of the territories," that's considered even more ridiculous. He thought that position assumed that the sovereignty in the territories resided where it had been all the time; hence the United States could not own the territories. "That if we get, we do not get territory and, after all the whining of the Northerners, we only enter their country by permission."

As he moved into a defense of the resolutions he had introduced from the three Southern states, that's contended that the Southern people had been more patient than those in entering the "insulting aggressions continually heaped upon them here and elsewhere." He indulged himself in a bit of the fanciful shakeloe which had brought him his share in South Carolina and Washington:

But they are not yet fallen—fallen beneath their chains; and should any of their politicians, filled with patriotism and passion, and fiery against enemies, which my fellow parties of the North, Whig or Democratic, to spare us from their associations, and threaten to break the rods of our Union over our heads, come before the people of the North and counsel them to lash up the black dust of those foul birds at the great flock of the neighboring South, it will require no remote crash or thunder from the heavens to furbell their doom. They will be driven from them, as the war-horse leaves the foam from his bit; they will be cast out as the melted lava from the laboring, burning, bubbling breast of the crater, to grow cold, and solid, and rot. Sir, I do this too kind for the South to deliver or yield in the maintenance of her right!

They considered the agitation of the slavery question far more dangerous to the union than the bank, tariff, or internal improvements. Therefore, to make a plea for recognition of the slave course of the seceding States when they excluded the question of slavery "from the affairs of the General Government" Only actual action among states could preserve the union; "a people owning slaves must be brave or perish." He closed the speech with a prophetic allusion to the South:

Mr. Chairman, for eleven years I have here watched the progress of things on the subject of slavery. They have advanced as I anticipated nearly twenty years ago. Nearly here I saw the spirit of the South breathe before the progress of abolitionism. Language is now heard and colored skin, when I first entered this Hall, would have been promptly treated, or have witnessed the colors in debate forever. Obarges of the Constitution, limiting the rights of the South, are now perpetrated by our sister States, which laws would have cost the Union another. For the last time, it will break protest. Still, as voice is now heard on this subject in the councils of the country. I desire it to be remembered, that here and elsewhere, I have counselled but one policy to the South, plant not one lash, but meet the question here and elsewhere with fire, uncompromising, and unflinching resistance. Be the consequences what they may, settle it—settle it speedily and forever. There is no other course to save the Union consistent with the salvation of the South. Slave experience has written with a finger of doom in every line of the

progress, which would not only lead to disaster, ruin, and
disgrace.⁴¹

North's talk of resistance, as well as his words of rhetorical
"dare," were strongly reminiscent of the Colfax Address of 1845. In
1845, however, there was less vehement admiration for violent rebelli-
ons than there was a clearer recognition of Union and a more ardent loyalty
but there was the same old spirit of '45. It was natural to assume that
North was even more ready than in 1845 to take action independently of
the Democratic Party and, for that matter, of the rest of the North.

Seeing "dare" to condemn and little to approve of either anti-
slavery,⁴² Calhoun accepted the independent position in the campaign that
North seemed to be advocating. In North had anticipated, Taylor was
endorsed by the Whigs, which made him repulsive to the state right-
ists. Now and the Democratic platform offered little hope to the
North—and even less for the success of the Democratic Party. The
political skillfulness of Calhoun drew him from the party and convinced him there
was no Free Soil North. Regardless of the outcome of election, and
again in opposition to the hands-off policy of Calhoun, North decided
that the safety of the North could be better protected by sticking with
the Democratic Party. After all, how did Calhoun pledge that he would veto
"any action of Congress interfering with slavery in the Territories."⁴³
That North, the rebel of 1845, became the conservative of 1848, and

⁴¹ Memorial to the Cong. Comm., 30 Cong., 1 Sess., 402-403.

⁴² Mass. Legislature, XXXV (Feb. 18, 1848), 847.

⁴³ Id., (Mar 24, 1848), 87.

William, the party regular of 1854, "weak fishing" in 1854.⁴⁵ Short later claimed that, although he had predicted the election of Taylor and was cognizant of rumors that he was planning to support the Whig nominee, he had pledged to President Fillé that he would support Cass. Furthermore, he boasted that he had secured Senator Henry S. Foote of Mississippi that he would carry South Carolina for Cass in spite of Calhoun's opposition.⁴⁶

In any case, Short became a strong supporter of Cass and was invited after the adjournment of Congress to speak at a Bazaarville rally in Charleston. There, on September 21, is the first speech he had made outside of Congress or his Congressional district since 1839. Short outlined his reasons for supporting Cass. The Charleston Mercury, which was then exclusively owned and edited by John E. Green but still strongly influenced by the Whigs, gave a favorable description of the audience response to "this truly eloquent and patriotic effort." It editorialized in part:

The meeting last evening at Bazaarville Hall was, beyond comparison, the largest that has been held since the organization of the respective parties in the present political contest, and it was also the most enthusiastic. There were times during the speech of Mr. Short when the audience rose far above what is commonly called enthusiasm at political meetings, and seemed akin to those strong workings of the heart and the convictions that characterized the period which tried Agass's soul.⁴⁷

⁴⁵William, Political Life and Services of Robert Howell Short, 21-22; Foote, Robert Howell Foote, 20-21; Wilson, John E. Wilson, Biographical, 20-21.

⁴⁶Journal of the Cong. Globe, 39 Cong., 1 Sess., 46.

⁴⁷Charleston Daily Mercury, Sept. 22, 1854. The paper did not publish a text or summary of this speech.

Ten days later in a repeat performance at Sherman Hall, North contended that New would, as he had promised, join the Union League if passed by Congress; Taylor could not be expected to do so. Referring to the implications of his June 1 speech in Congress, North interpreted the Democratic platform as a repudiation of the territorial sovereignty alternative to the Union League. He predicted that if New were elected the South could expect to settle the problem by extending the Missouri Compromise line into the territories. North differed with Johnson, who a few days before had advocated in Charleston the calling of a Southern convention and formation of a Southern party. North believed in individual state action, and proposed that South Carolina and other Southern states instruct their Senators and Representatives to leave their seats in Congress immediately "should abolition in any of its forms prevail in the legislation of Congress." If cooperation from other states was not forthcoming, he declared:

Let South Carolina, standed and alone, with the majority. She can force every State in the Union to take sides, for or against her. She can compel the alternatives--that the rights of the South be respected, or the Union be dissolved.⁶¹

North was close to the despair which led him to become a secessionist state nationalist. Though the only hope he could hold out was for the election of New and Southern control of the Democratic Party. In Charleston, a stronghold of Taylor Democrats, North apparently agreed to the resolution as he had done in Memphis four years previously.

⁶¹ Charleston Daily Mercury, Sept. 29, 1861, and Charleston Daily Courier, Sept. 29, 1861, carried a printed text of the second speech.

According to the Journal, "Emerson Hall was thronged at an early hour" for this second speech of Eliot, a literary evening performance. The reporter thought the audience showed "strong feeling and enthusiasm" and noted that "cheers and long continued applause" greeted Eliot's appearance on the platform. The enthusiasm "last[ed] until the end of the life" during the speech, but "went on, gathering force and fervor, to the very conclusion." The "astonishing stillness" of the audience, consisting not "merely of friends and admirers," was broken only "by the loudest bursts of applause." The Journal explained the effect:

Mr. Eliot is an impartial and an inflexibly just man, and hence the remarkable power he possesses of stripping off the pretensions and disguises of party and presenting every question in its own proper form and character. He does not appeal to opposing opinions, or defend his own, in the spirit of a partisan—hence the weight of his own reasoning; and as fully does this settled principle of justice and of truth pervade his discursive action in the absence of assumptions along and aside there, that we venture to say, this same effect could be felt and recognized after a few minutes, by an audience of other citizens, in his power of the matter depends on no flashy eloquence, no studied extravagance, no rhetorical pretence, on the effect of his questions is particularly the impression of strong thought, mature experience and deep convictions. . . . His questions have given new life and strength to the Democratic cause, and thrown a flood of light over all the great questions involved in the Presidential election. In strong was the effect upon those who did hear him, that we were here to say that if all the Tugboatmen had been along his side here, there would have been by this time no such thing as Charleston as a Tyler Democratic Party.⁴⁴

The enthusiasm of the Great Democrats in Charleston for Eliot's victory was not enough; the city gave big receptions to Waide and Tyler Democrats. Eliot was able, however, to claim a significant statewide victory. When the Legislature convened in special session in

⁴⁴Charleston Daily Mercury, Sept. 16, 1848.

November to cast the votes for presidential electors, Cass won by a two-thirds majority, 237 to 27. South Carolina, however, could not change the electors Taylor was elected by the small margin of the electoral vote of New York, where Van Buren polled more votes than Cass, thereby giving a plurality to the Whigs.⁶⁹

Before the second session of the thirtieth Congress assembled, Webb apparently campaigned actively in South Carolina for support of his plan for separate state action if the Whigs should pass the Fugitive provision. E. S. Sumner wrote Calhoun on November 14:

There has been and probably still is a design to revive the old Fugitive acts and with the same motive and end. I do not think that the Senator or the House dream of at least not as a general rule of action--that South and others do.⁷⁰

When Congress met, in December, for the short session, the country had almost forgot the North-South issues during the summer over the discovery of gold in California. Yet, the urgency of the need for a territorial government was appreciated by the gold-rush. In spite of frantic efforts, however, the two houses were unable to agree on the slavery question in the territory, so California went without a government.⁷¹ Long before this critical session of Congress Webb had decided to retire from the House at the end of this term.⁷² Thus he gave

⁶⁹Ibid., Nov. 3, 1850; Charleston Daily Courier, Nov. 3, 1850. For details of the campaign in South Carolina see William J. Bennett, op. cit. 4, 1850; Wilson's Weekly, 1850 Nov. 18, 1851; op. cit. 1850; John C. Calhoun, Partisan, 290-293; White, Robert Forsyth, 1850-1851.

⁷⁰"Correspondence of John C. Calhoun," ibid., 215, 185-186.

⁷¹Times, John C. Calhoun, Partisan, 290-293.

⁷²"Correspondence of John C. Calhoun," ibid., 215, 185.

the satisfaction in the conclusion of his last speech in the previous session he apparently had resolved not to speak during his last session. He kept that resolution. He did, however, take the floor briefly during debate on a bill to abolish slavery in the District of Columbia, which was more severe in its restrictions on the institution than any of the many earlier similar bills. When several members were discussing the South Carolina Negro Seamen Act, Sumner rose to explain that the law was aimed not only at the South but against England as well. He insisted that the law was enforced with equal justice for all.¹⁷

The intensity of the attack on slavery in the District of Columbia bill, as well as the fight over the California territorial bills, prompted the lawmakers of both parties to meet and appoint a committee of fifteen, one from each slave-holding state, to consider a course of action. Out of this and subsequent meetings came Calhoun's "Southwest Address," a conservative statement of the problems confronting the South and an appeal to the Southern states for unity. With Polk opposed to publication of the address, however, and the Whigs unwilling to support the new administration, Calhoun was able to get only forty-eight signatures of a total of 121 Senators and Representatives from slave-holding states.¹⁸ Sumner, though he preferred a different course of action, supported publication of the Calhoun address. He called on Polk on January 15, 1846, to discuss the matter with the President. Polk said, in part, of his conversation with Sumner

¹⁷House, Reports, 29 Cong., 2 Sess., 428.

¹⁸Triffin, John C. Calhoun: South Carolina, 315-318.

I expressed to him the apprehension that such a proceeding would increase the excitement and prevent a settlement of the slavery and territorial questions at the present session of Congress. He thought otherwise, & in his own language, he said the meeting of the Northern members had already made some of the Northern members begin to hush.¹⁵

Thus, as far as his speaking and political influence were concerned, Sumner's last session as a member of the United States House of Representatives was anti-slavery. He was still willing to forge agreement at all points with the conservative Calhoun. Nevertheless, Sumner used his whole power in Congress steadily closer to his own position here, who had come to share some of Sumner's despair of the union. But their convictions were converging only as public opinion generally in the North grew closer to the position Sumner had assumed many years before. At the same time, Sumner found himself at the breaking point with his never-forgotten friend, Polk. Therefore, he stood more apart politically than at any time since he began his long career four years in Congress. Surrounded by Free Soil Democrats, representing California, and ardently aware of Polk, Sumner stood firmly on the sandy peninsula of slavery as the roof of abolitionism layed about his feet.

As he looked back for an uncertain future in his beloved Louisiana, Polk believed that Sumner

looked forward with confidence to the role of leader of South Carolina and the South which he expected to play when Calhoun, whose years would not see so many, should leave the stage. That his power in the House had been marred by unusual dissension, he denied. Democratic leaders had made much use of his tongue and pen. In Congress and out, his attitude toward any question could never be ignored with impunity. Friendly

¹⁵ History of James B. Polk, IV, 209.

reporters repeatedly noted the deep impression he had made upon the House, while uniformly some like John Quincy Adams prophylactically remarked "all his ability and all his fire . . ."⁷⁴

Samuel Williams, who had entered Congress just as Eliot was ready to leave,⁷⁵ gave particular attention to Eliot's speaking during the preceding twelve years:

In all his efforts he spoke with ability, and always with effect. Of the few members of that body the world at all times honored the ear of the House, he was not. He possessed of the rare faculty of immortalizing at the proper time the sense and temper of the body, and the address and ability to make both available. He had acquired, to an unusual degree, the skill and quick judgment of the parliamentarian, and knew when and how to move, and when and how to speak.⁷⁶

That Eliot had learned while in Congress to judge the "sense and temper" of the House or any other audience as well as William claimed to doubtful. It seems evident, however, that he had acquired some objectivity in speaking. He was no longer the flaming "fire orator" of 1834; nor was he the emotional legislator of 1838. At times he spoke with logic, and on occasion he demonstrated an emotional appeal, but in general he had learned to blend the two into a more effective persuasion. In death, too, he had given his personal authority. He made obvious efforts to call attention to his knowledge and experience but perhaps his most damaging characterization as a speaker were his tendency to exaggerate and his reprehensible manner toward his opposition, which continued to alienate the good will of many of his

⁷⁴Wells, Political Life and Speeches of Robert Emmet Eliot, 300.

⁷⁵Ibid., 310; Wells, 2 vols., 1.

⁷⁶Williams, Political Life and Speeches of Robert Emmet Eliot.

and, here and elsewhere,

By 1882 Barth's political convictions were about as firmly fixed as his speaking technique. He had deviated little from the course since 1874. Barth had only moved to the left in strong reactions by the South to the "hypocritical objections" of the North. Still, if he had always been a dramatist as much of his criticism thought, he was not ready to admit it in 1882. Perhaps he hesitated because he sensed that, just as the state of attention had required a long gestation period, it was necessary to have several years of laborious growth before the flower of a further confession could be expected to bloom.

CHAPTER VIII

REMARKABLE MEN OF COLOR

For the first time in twenty-three years South did not have a public platform from which to issue his messages to the North. During most of his adult life he had enjoined his state to take daring action. Therefore, he shied at his own political inertia just at a time when national issues seemed to be more explosive than ever before. Unwilling to let South's moving events pass him by, he wrote to Calhoun on July 13, 1851:

Congress will not pass the Wilcox Proviso or any kindred measure, since? There will be no real or anti-slavery agreement in even form or other. The question which we will next have to meet, to master we will be abridging Free-States and excluding Slave-States from the Union. Here they will not within the Constitutional competency of Congress, and if submitted be with fatal effect. On the present issues the South will triumph, but all such victories only shift the ground of battle, with increased [sic] strength to our foes, and increased [sic] weakness to us. In this respect I am sorry to say we see the possibility that there is no chance for the Wilcox Proviso, or the abolition of slavery in the District of Columbia at the approaching Congress. Would be both, they would do both, and let us have the country, not not it once and forever. It would then accomplish our emancipation, instead of that of our slaves. But the Northern statesmen will smother I am satisfied on such topics. We are put off to another and more favorable season.¹

Other leaders of the South were not so sure that the contest would be postponed. For the first time it began to appear that South was wrong in his prediction that Northern unity could not be obtained

¹Correspondence addressed to John C. Calhoun, Jan. 21, 1851, Vol.

except by daring action by an individual state. With Wilson's full knowledge and approval, a convention of the state of Mississippi² met on a call in October, 1850, for a convention of all the slaveholding states to meet in June, 1850. In October the next month, the South Carolina Legislature was the first to approve Mississippi's call and choose delegates to the convention. South, or South, wished to be one of South Carolina's delegates-at-large, but the legislature chose F. H. Pickens, Langdon Chesni, R. W. Barnwell, and James H. Hammond. Other delegates were elected by districts. The District of Columbia, always eager to honor the favorite son, selected South as a delegate.³

Before the long awaited Southern convention convened history was being made. Every day produced the surprising news in the Senate. Calhoun's last great speech was read for him, on March 4, 1850, by James H. Ham of Virginia. Three days later Webster delivered his famous Seventh of March Speech.⁴ The death of John Caldwell Calhoun was announced in the Senate on April 1, 1850. . . .⁵ Shortly before his death Calhoun had said, according to Ham, a private companion

The Union is doomed to dissolution, there is no sustaining the signs. I am satisfied in my judgment even were the question which our agitated Congress settled to the satisfaction and with the concurrence of the Southern States, it would not

²Representative Daniel Wilson attended the convention from South Carolina as a guest Calhoun's choice.

³Philip May Hamer, The Southern Movement in South Carolina, 1847-1850 (Columbia, 1915), 37-41; Wilson, Journal, 129-130.

⁴Mass. Globe, II Cong., 1 Sess., 1849-1850, 174-175.

⁵Wilson, John C. Calhoun (Philadelphia, 1871).

work, or materially delay, the enterprise.

I fix its probable occurrence within twelve years or three Presidential terms. You, and others of your age, will probably live to see it; I shall not. The mode by which it will be done is not so clearly it may be brought about in a manner that suits our purposes. But the probability is, it will explode in a Presidential election.⁶

With the Clay and Douglas compromise measure still being debated in Congress, the Southern Convention, attended by delegates from only nine states,⁷ met in Nashville, Tennessee. Owing to the heat of the season, the North Carolina delegates refused participation in the proceedings.⁸ Nevertheless, South was chosen by the Convention to write the "Address to the People" of the Southern states.⁹ In the address South reviewed, as had Calhoun in his speech of March 4, the growth of disagreement between the North and the South. Rejecting the pending compromise measure put before him, he insisted that the only compromise which could be accepted by the South would be the extension of the Missouri Compromise line to the Pacific. South stopped short of

⁶Virginia Davis, The Public Life and Miscellaneous Correspondence of James A. Davis (New York, 1897), 17-18.

⁷Other states represented were Virginia, Georgia, Alabama, Mississippi, Texas, Arkansas, Florida, and Tennessee. William Taylor Swaine, "The Nashville Convention of 1850," Transactions of the American Historical Society, 7 (1891), 224.

⁸Swaine, History of the Old South, 3d ed.; Swaine, Seventeen Years in South Carolina, 25-26.

⁹Frederick Pickens, Reminiscences of Pickens (New York, 1894), recalled receiving Davis's commission: "I heard of Edward Bruce G. Young, Esq., who stayed in the same room with Mr. Davis, whilst attending the convention, say that this address was written in the spur of the moment, and he was named at the rapidly with which Mr. Davis wrote it. I had supposed it was carefully prepared at home and taken with him to the convention."

recommending annexation, but he implied the desirability by emphasizing the national character of the South and the economic, cultural, and climatic differences between the North and South. "This lengthy, sensitive, and logical document"¹⁰ was adopted by the convention, however, only after Smith wrote into the final paragraph that the delegates were not "entirely unanimous in approving all the arguments contained in it, particularly such as relate to the bill pending in the United States Senate, . . ."¹¹ On the other hand, the convention did adopt resolutions by two sets of resolutions which, though such were ancillary to Smith's address, rejected the annexation measures in general and endorsed extension of the Missouri Compromise line. The convention also resolved to meet again six weeks after Congress adjourns.¹²

Back in Charleston on June 11, nine days after the end of the Nashville meeting, Smith declared his real sentiments. He opened a speech at Freedom Hall with a characteristically brief orientation to the problem at hand:

Fellow Citizens,—I thank you for the frank and cordial reception you have given me this night; and I propose to stress my position in the only way in my power, by laying before you, a free and truthful exposition of my opinion

¹⁰Lawson, "The Nashville Convention of 1850," ibid., 233.

¹¹This vote by states was unanimous for the address, but a total of nine delegates from various states were unwilling to vote for the address because they believed the convention only had authority to adopt resolutions and they hoped the annexation measures might be adjourned more favorably to the South. Ibid., 235.

¹²Ibid. The Washington National Intelligencer, July 13, 1850, carried complete texts of the address and the resolutions.

on the great matters which have assembled us together. The time has arrived when it becomes the people of the Southern States, no longer to deplore, but to face, with unflinching front, the dangers which surround them whilst from their public servants they should demand all the aid they are capable of imparting, to enlighten their councils and guide their determinations. Without reserve, or fear, I propose to speak to you tonight.

Smith derived several notions from a record of the Nashville Convention. He contended that the group is effeminate

and prepared to concede everything but principles. There is laid down with distinctness and firmness, regarding the constitutional rights to which the South was entitled, equality in the Union. Equality in our Territories. But if the North refused us that equality [which constitutes the bond of the Union itself,] in our Territories and insisted upon putting the Constitution aside; then, for the sake of peace and the Union, the convention proposed that the South should accept, as an extreme concession, a partition of our Territories, on the Missouri Compromise line of 36 deg. 30 min. parallel of North latitude.

He pointed out that under the proposed extension of the Missouri Compromise line the South "would get three-fifths of our Territories," but he believed the proposal would be lost to the South. In addition to defeating this "extreme concession" of the convention, he justified the rejection of the Clay compromise measure "not only because in effect they surrendered everything to the North but because Southern men supported the measure." Nevertheless, Smith predicted that neither the proposals of the Nashville Convention nor the Clay compromise would be accepted by Congress.

Laying a philosophical basis for his central idea, Smith argued that "the great object of free government is liberty," but he admitted that "all changes in governments are serious things." He applied three tests of liberty to the general propositions touching questions of Union; and "the protection and security, the government attends." He

the grounds of the protective tariff policy, internal improvements, and the antislavery branch the institution of slavery, North concluded that "the true character of the Government of the United States" was a tyranny over the South.

The only alternative under North's disposition was the formation of a new government. He contended that during sixteen years as a representative of the people he had worked for preservation of the union. He denied that he had been a disunionist in 1850 or in 1853, and implied that he had first despaired of saving the union in 1854. At any rate, he was ready to declare in 1855 that "a dissolution of the Union is the worst alternative to submission to a Government without limitation in its powers." Statement of his letter to his constituents in 1855, North undertook to demonstrate that, in addition to reappearing freedom, a Southern confederacy would provide as much physical property to the South as had been obtained under the union.

Throughout the body of the speech North maintained a logical and unemotional approach to the current stage of the North-South antagonism. In the persuasion, however, he made a relatively skillful effort to fuse glibly and politic in defense of his separate state action thesis. His style in this case was singularly simple and notably free of the customary stilted metaphors.

I have then, fellow-citizens, fulfilled my word. I have spoken with open breast to you this night, of your present condition and your future political prospects. For the multitude I have uttered, and the counsel I have given, it may be there are none who say to me: "You are a traitor!" A traitor to what and to whom? To South Carolina? It is to save her in her rights, institutions and sovereignty, that I would neutral disunion. Traitor to the Constitution? The Constitution has

we witness under the construction of consolidation, and the base purposes of abolition, to which it is made to answer. Traitor to the Union? There is no being without the Constitution. That is its bond and condition. Destroy the one and all faith in the other is destroyed. Faith towards both, in the Government in administered are incompatible things. To maintain the Union, is to acquiesce in the destruction of the Constitution; and to maintain the Constitution we must also solve the Union; we afford the only chance of its restoration. But let it be, that I was a Traitor. The world has no terrors for me. I was born of Traitors--there is England, in the Revolution, in the middle of the seventeenth century, Traitors again in the Revolution of 1789, when under the lead of an execution South Carolina was rescued from the tyrannical rule of the Lords proprietors, and Traitors again in the Revolution of 1776. I have been born of Traitors, but thank God, they have ever been Traitors to the great cause of Liberty, fighting against tyranny and oppression. Such treason will ever be mine whilst true to my lineage.

That's what we to give witnesses that South Carolina stood ready to support any other Southern states who were ready to propose "expedients for redress," but he insisted, as he called the Fall of other leading slave states, that South Carolina--even if abandoned by all others--must never submit.

Earlier States before we struggled successfully, for their Independence and Freedom against far greater odds; and if it must be, we too will one hour, long, last desperate struggle, for our rights and honor, see the black pall of tyranny is stretched over the brow of our dear Liberties. To meet death a little sooner or a little later, can be of consequence to very few of us; whilst duty performed, may remain in the effort to many generations, and a fair fame, live forever, looking to that valuing reputation which has ever followed every people who have dared all to preserve their Liberties, and have conquered or perished nobly in their defense; instead of shrinking, we might pass for the weak which shall isolate South Carolina in this great emergency. But we wish no isolation. We desire peace, we desire Liberty; that peace and Liberty which the Constitution was intended to secure, but which has been basely supported from us by sectional fanaticism, ambition, and selfishness.¹⁵

¹⁵ Charleston Daily Courier, July 20, 1850; Charleston Daily

Reactions to Sumter's Charleston Hall speech were violent.

Throughout the low country he was hailed as a Patriot Hero and many Fourth of July toasts were drunk to his courageous leadership. Rumors were told in his honor and Mr. Sumner indeed carried him a flag bearing the inscription "He that we were all great Traitors."¹⁴ The Washington National Intelligencer in an editorial on Sumter's speech quoted the late Senator Sumner as the voice of the union and stated that Sumter was urging the people of South Carolina "on to their ruin."¹⁵ Henry Clay, speaking in the Senate, on July 12, in support of the compromise bill fulfilled Sumter's expectations:

Why, it was only the other day that a member, returned from the Southern Convention, addressed, we are told, the people of Charleston, South Carolina, promising to hold the standard of Union. . . . He was applauded most enthusiastically when I learn from the public papers, and as I learn also from a credible gentleman who was present at the meeting--when he declared that, if the South did not join herself to this standard of rebellion, South Carolina would herself raise it, and fight this Union singly and alone! Yes, said a gentleman in the audience, in a fit of most patriotic enthusiasm, and if South Carolina does not do it, I with my strong arm and my long purse, will fight the Union single.¹⁶

Mr. President, I have no patience for hearing this nonsense, and then what comes of it, say. At the same time, I am not disposed to underestimate the importance as one of many calamitous events.¹⁷

Savannah, July 20, 1850. The Savannah comments: "There are many, even in Charleston, who were not of that large collection which turned up so voluntarily under the banner of the patriot union that certain friends could were startled from their procreancy, and they will be gratified to read what they had not the good fortune to hear."

¹⁴Charleston Daily Mercury, July-Aug., 1850.

¹⁵Washington National Intelligencer, July 25, 1850.

¹⁶Appendix to the Speeches, II, Chap. 1, Sec. 1, 111.

Robert V. Sewell, interrupted.¹⁷ He found Clay's reaction "not a little disappointed in a friend whom I held very dear. . . ." After Sewell's defense of Scott's character, reputation, and services, Clay replied:

Mr. President, I said nothing with respect to the character of Mr. Scott, for I might as well know him. I know him personally, and have great respect for him. Yet, if he pronounced the sentiment attributed to him of wanting the standard of discipline and of resistance to the armed Government, whatever he has been, if he follows up that declaration by corresponding conduct, he will be a traitor, and I hope he will meet the fate of a traitor.

There was "great applause in the galleries, with difficulty suppressed by the Chair."¹⁸

Clay, to be sure, in his mention of the importance of the secession movement and more of disunion meetings all over the South during the summer of 1856. The climax of the secessionism was to come on August 22 in a meeting at Macon, Georgia. Plans were made for a big barbecue and feast, for the first time in his life, was invited to address an audience outside of South Carolina. He was to share the platform with William Lowndes Yancy of Alabama. The number of people in attendance to hear the two leading secessionists was considered of great importance by both secessionists and unionists as an indication

¹⁷ Sewell had been in the Senate only a month in December 5, E. Pickens's fourth choice to serve in Pickens's seat until a successor could be elected by the legislature. Southey, who was living in Georgia, was first appointed and accepted, but was subsequently asked to resign because of doubts of his being a resident of the state. Garret refused because of his age of 76. Evans accepted but died in May. Charles July Murray, April 8, 11, 12, June 1, 12, 13, 1856.

¹⁸ Appendix to the Cong. Globe, 31 Cong., 1 sess., 1846.

of the extent of dissension in Georgia. Plans were made for thousands, but the results were apparently discouraging to the sponsors. The Atlanta press declared the meeting a total failure and estimated the number in attendance at from 500 to 1000. The concentricist press reported the meeting to be a huge success and gave the numbers at from 3000 to 25,000.¹⁹ Judge Isaac L. Hartman wrote to Powell late two days after the meeting, "a gentleman present informs us that there were not eight hundred of the fire-eaters on the ground, and he says they recommended dissension as the true policy. The politic North and his adjacent Texas preached most eloquently in behalf of treason. . . ."²⁰

A few days later Smith returned to Baltimore, the site of his original plan for resistance in 1859, where he repeated and elaborated to an audience of about six hundred the program he and Tenny had outlined at Boston.

Shall the Africans rule here? No! We will not be governed by the Africans; neither will we be by the Yankees. We must secede. Georgia will lead off, South Carolina will go with her, Alabama will soon follow, and Mississippi will not be long behind her. . . . Within eighteen months we will have the whole South with us, and were that thirty we will extend our borders, we will have New Mexico, Utah, and California. Utah already has slaves. We will march into California, and we will ask them if they will have slaves, and her people will answer, No, we will have slaves. And what of Missouri? Why, when we are ready for them, and her people are fitted to come along us, we will take her too, or so

¹⁹Richard Harrison Bayard, Georgia and the Union in 1860 (Proctor, 1964), 251-252.

²⁰Richard A. Phillips (ed.), "The Correspondence of Robert Smith, Alexander S. Stephens, and Samuel Child," Annual Report of the American Historical Association for 1901, 2 vols. (Washington, 1907), II, 218.

made of her as we wish.²¹

Enthusiasm in South Carolina seemed ready. Although Davis, yielding to the strong secessionist attitude in the state, had found it expedient to modify his plan for separate secession by South Carolina, public opinion in the palmetto state seemed to be almost solid in support of secession. Davis and Sumner were for immediate action—with support of other states, if possible; otherwise, if necessary. Sumner, Sumner, and Sumner supported secession, but only if secession was forthcoming from other states. Even the few unionists, like Perry, Pettigrew, and Pickens, did not attempt to stem the tide, but gave their support to the secessionists.²²

With the enactment of the secession measures in September, 1862, the event began to shift. While "the passage of the secession measures served only to increase the firestorm aroused in South Carolina and to bring it more into the open,"²³ the campaign began to bog down in other states. Alabama had already revealed a public opinion that was not likely to support secession unless the rest of the South was ready for resistance; in elections to support the unionists had won a two to one majority and had carried five of the seven congressional districts.²⁴ In Georgia the campaign was stopped up by supporters of

²¹Quincy in Charleston Daily Mercury, Sept. 22, 23, 1862.

²²See Sumner, Speeches Made at Charleston in South Carolina, 108-110; Avery O. Brown, The South of Southern Reconstruction, 1847-1861 (Oxford Press, 1933), 122-123.

²³Sumner, Speeches Made at Charleston in South Carolina, 111.

²⁴Sumner, Speeches Made at Charleston in South Carolina, 109-110. See also L.

moderator, Charles-Lewis of the South Carolina delegation--was unable to persuade the convention to take precipitate action.²⁵ Instead, half-hearted resolutions were adopted recommending that Southerners stay out of national political conventions until their wrongs were redressed and that another Southern convention meet later.²⁶ That attended the second convention had, no doubt, had a hand in preparation of the moderate resolutions proposed by Charles, but there is no evidence that he spoke to the convention or had any special recognition from the delegates.²⁷

The failure of the second Nashville Convention seemed to keep out Charles's prophetic speculation, not cooperation, resulted from attempts at Southern unity. The failure at Nashville was followed later in November by an even more serious setback to the secession plan. The Georgia elections resulted in a Union majority greater than any party had ever rolled up in the history of the state. Of the thirty-three counties, but the Union anti-secessionists' delegation to the convention²⁸

On November 25, two days after the election in Georgia, Charles delivered a eulogy on secession to the state legislature. In an address

²⁵In a two-hour speech Charles said: "It is already done; the Union is crushed, and now the Union is decided." Charleston Daily Mercury, Nov. 22, 1860.

²⁶Charles, "The Nashville Convention of 1860," ibid. cii., 330-33; Charles, Speeches of Southern Representatives, 227.

²⁷Charles, "The Nashville Convention of 1860," ibid. cii., 330; Washington National Intelligencer, Nov. 13-27, 1860.

²⁸Charles, Georgia and the Union, 207.

part of the campaign to elect Thell to Calhoun's seat in the Senate, Governor Sedgwick had turned the invitation to Thell on April 11.²² The Harvey considered the selection "the very best that could have been made."²³ On the other hand, Sumner, who had previously been invited by the city council of Charleston to give a memorial oration on Calhoun, considered Thell's appointment a deliberate "snub" for the union.²⁴ At any rate, the two leading candidates for the memorial seat stood with their spouses, Sumner delivering his eulogy in Charleston just a week before Thell appeared in Columbia. Sumner gave a scholarly and non-political eighteen thousand word review of "the most prominent events in the life of Mr. Calhoun: the parts he took in public affairs; the services he rendered his country: the policy and views by which he was at various periods influenced."²⁵ Thell, on the other hand, considered the eulogy on Calhoun an opportunity to argue for the ideas and ideals which he believed Calhoun represented.²⁶ He did not, however, neglect the customary treatment of the man's character and intellectual accomplishments.

²²The South and Federal Government of John Caldwell Calhoun (Columbia, 1858), 117-118.

²³Charleston Daily Harvey, April 12, 1850.

²⁴Elizabeth Barrett, John Henry Sumner (Oxford, 1901), 50.

²⁵J. B. Sumner, in Orations of the Life, Character and Services of John Caldwell Calhoun (Charleston, 1851), 7.

²⁶According to Lee Smith, the most effective type of eulogy deals primarily with the issues that give significance to the life of the man. Lecture in "Advanced Forms of Public Address," University of Florida, March 30, 1953.

After announcing that the Governor had appointed him to deliver the speech, Hall praised the citizens for such an occasion:

Great men, in all ages, have been considered as reflecting distinction on the States of their nativity; and therefore, public honors have been rendered to their persons by their country; and the object of the legislator, the pen of the poet, and the voice of the orator, have been invited to celebrate and perpetuate their services.

He considered this custom particularly applicable to republics, because "with republics, patriotism is life." Hall by way of introduction, he outlined Wilson's early training and background. In respect to his political career Hall found it impossible to cover Wilson's "common sense of intellectual achievement." He would limit the speech, therefore, to "the war of 1812, the tariff, and slavery. Upon his policy and opinions with respect to these great subjects, I leave he chiefly rested his title to future fame."

Concerning the War of 1812 "a contest for national independence and the liberty of the seas," Hall outlined the prominent part Wilson played in bringing on the war and quoted at length from Wilson's speeches in support of it. Then he mentioned Wilson's tenure as Secretary of the War Office, with the claim: "His genius yet presides over this department in its admirable organization, which as our war has extended has been attempted to alter or improve." Expressing his praise William Gordon as "one of the greatest," Hall speculated that if the state had nominated Wilson instead of Gordon in 1812 Wilson might have been elected President instead of Van-Brunt.

History of the Union administration provided a transition to Wilson's opposition to the development of a consolidated government.

and the tariff. Davis looked upon the successive tariffs and pointed out that the first republican attempt started in Illinois District. He studied Illinois with authority of the Exposition, and indicated that Rogers prepared the Treaty of 1858. Here he digressed to keep praise upon Rogers, "one of Garrison's most gifted sons." Coming freely from Illinois, Davis summarized the theory of nullification he considered fit of doubtful constitutionality but contended that the principle "must endure forever, as the only foundation on which free governments can be erected." After relating the events surrounding the convention of 1858 and the passage of the Force Bill, he briefly depicted Hayes, whom he considered "an orator in the full meaning of history, the apt of persuasion." He considered Jackson "great--great enough non--great in the field--great as a civil ruler . . . [but] not very respectful of law."

Davis introduced his third topic as follows:

The subject of slavery is difficult of comprehension to those who study it in the light of abstract principles and unfortunately those comprise the greater part of its inquirers. It is very largely a question of facts, which must necessarily qualify and alter all abstract reasoning concerning it. The very laws of the forest, and the winds on the sea shore, vary in time and place.

Pursuing the line of reason, Davis elaborated on the inevitability of war throughout history. Since "of all the crimes of war, the negro race is the most inferior," he found it only natural and good that the Negro should be a slave; the condition of servitude provided justice for the superior white man to avoid annihilating the Negro race. Again he quoted Wilson in opposition to the admission of abolition petitions

in Congress. Since Wash. considered the abolition of the twenty-first rule in Congress the end of protection for "Southern freedom and equality," and the continuance of the Union,² he believed the South should have met the abolition of the rule with "a demonstration . . . to dissolve the Union the instant of its abrogation."³ He thought the rule would have never been repealed under such a threat. If it had been, the union would have been dissolved and replaced on a more anti-slavery basis for the South. He credited Calhoun, while Secretary of State, with the intention of Texas "to prevent the circumventing and landing-in of the South, by free States, hostile to her institutions,"⁴ at the same time, he defeated Calhoun's opposition to the Mexican War on the grounds that Calhoun knew it would destroy the union. In this connection Wash. explained:

He loved the Union for itself. He loved it, because it had been the object of his great and patriotic labors—the theatre of all his achievements. The South he loved none. There he had gathered up his heart, where either he could live or bear no life.⁵ And the dread alternative of choosing between them, he could not contemplate without grief and shame.

After a description of Calhoun's last trip to Washington despite his ailing health, Wash. concluded the slavery section of the speech with a tribute to the last Calhoun speech in the Senate:

Tribute of tears or words, on which it may be recorded, say fully but it shall not fail in its efforts. It shall live forever, in the redeemed history and liberties of the South. It was the last flash of the sun, to show the ship of State her only port of safety, as darkness and the howling tempest closed around her. He died—for his work was done. If the South would not heed his warnings and counsels, why should he live? But if she regarded them—and could none regard them, when uttered by his dying lips—why should he not die? His work was done. Yet he waited for one more hour in the

Swear! Swear! are he departed. That longed he to utter there! And his mighty spirit desired some way to save the Union, consistent with the liberties of the South! He did he wish to utter there that word which all his lifetime he could not speak, although wrong and oppression tortured him—that word, which dying despair could alone bring from his dying heart—secession! The secret councils of that longed-for hour, he was not permitted to disclose, and they lie buried with him in his grave; but he has said enough for help—enough for liberty and honor—enough for our salvation. If we will not heed his warnings, and follow the counsels he has left us, nothing will we be prevented, though he arose from the dead.

In a parenthesis, about one-fourth the length of the entire twenty thousand word speech, Bart's analyzed Calhoun's character as a statesman. He found Calhoun a great statesman because of his devotion to principles, but thought he was not a great party leader because he "did not understand how best to conduct [giz] and use, for their enforcement, that complex of truth and self-interest and prejudice—passion and weakness—man." He believed Calhoun stated to be president only because he thought he could protect the South by keeping the Southern Union within the prescribed limits.

But could he, could any man, however great, popular, and just, have directed the course of civilization, under the unscrupulous abilities, passions, and avarice of the Free Market? Erieview, Louis, Sprague, Russell, Sum, were Wharfed Statesmen. Pericles, Valpita, Dallas, Fox, Paul, were Wharfed Statesmen. There was both a theoretical and a practical Statesman—and the greatest in the combination of all the qualifications of statesmanship England has ever produced. But, unfortunately, he lived at a time, and under circumstances, which induced him to look on the side of order, privilege, and government, rather than that of liberty. Mr. Calhoun, through his inferior in education and in the pureness splendor of his imagination—was not his inferior in mind reasoning, deep analysis, and a profound knowledge of the principles of Free Government.

Bart went on to say that he thought only Erieview would rock in

history with Calhoun as a political philosopher, but that many would rank above him as a practical politician because Calhoun failed to expound his policy. After praising Calhoun's "virt, eloquence, and grand" mind and his private life, which was his "everlasting glory," North turned finally to the actual love between Calhoun and South Carolina. This he closed with the final phrase:

We mourn weeping, but we value the treasures his life and intellect have left us, more than the "wealth of years and toil." We mourn our long-lost, standing over his remains, we cannot but hold the tyranny that hurried him to his grave, and love the liberty for which he lived, and suffered, and died. Cherishing his memory, we dare not be slaves, looking to his example and precepts, we must and will be free. If his home, whilst living, was sacred to purity and honor, his last resting place shall not be polluted by the foul footsteps of traitors to liberty. Ah! with over two long weeks of ages to come, the star of his genius shall still shine on, to lead the nation to freedom,--it shall not be forgotten that South Carolina, the land of his nativity, reared him--cherished him--and honored him to the last.²¹

In this speech North not only made a powerful bid for attention to the Senate and for South Carolina senators; he also revealed his mental and oratorical abilities at their best. The content of the speech is characterized by profound philosophical principles, breadth of knowledge, and clarity of structure. The rhetorical style is equally impressive. It surpasses by far anything else that North left in print in the simplicity, appropriateness, and nobility of language. His natural tendency toward emotional intensity and overstatement, which qualities so often resulted in his over-reaching his own powers and the

²¹The North and Federal Government of John Caldwell Calhoun, 119-120.

capacity of his audience, obtained his highest level of rhetorical splendor in the Calhoun eulogy.

Within a few weeks after Sumner's speech to the legislature it became clear that the failure of the Nashville Convention and the defeat of the secession movement in Georgia allowed a pattern of events throughout the South. Thus, the efforts of Southern unity were to leave South Carolina isolated "without hope of outside support." By December every state in the South except South Carolina and Mississippi had approved the secession—some with enthusiasm, others with reservations, but none with any offer to follow South Carolina out of the union.³⁸ In face of these facts, the spokesmen in South Carolina began to talk more fearfully of the union and to emphasize more strongly the necessity for support from other states; the secessionists realigned for earlier support by following the nationalist line of argument.³⁹ For Sumner stood fast where he had been in 1851 and in June, 1860—for separate state action. In the failure of the secession movement became almost certain the Charleston Mercury asked Sumner's Abolition Hall paragon:

Are we really, people of Carolina, to stand alone in defense of rights far more precious than life or gold? Or are we too, only waiting the impulse of submission from others, to swell the false and pitiable cry of "peace, peace," ourselves? . . . Would it be more to this, that the State whose talk of slavery has passed into a proverb—whose greed of State Sovereignty has been proclaimed for half a century, tomorrow looks for redress in the average and results of others?⁴⁰

³⁸Green, Speech of Southern Abolitionism, 143-144.

³⁹Ibid., 143.

⁴⁰Charleston Daily Mercury, Oct. 1, 1860.

Facing the alternatives of submission or separate state convention, the South Carolina legislature devoted most of the 1850 session to debate on a large number of bills proposing a state convention and the calling of a Southern congress. The separate state action faction had majorities in both houses, but not the two-thirds necessary to call a state convention. This majority group, on the other hand, would not agree to a Southern congress bill without provisions for a state convention. With the session about to end, a compromise was worked out providing for election in February, 1851, of delegates to a state convention and election in October, 1851, of delegates to a proposed Southern Congress. The bill proposed that the Southern Congress meet in Montgomery, Alabama in January, 1852, and that the state convention convene later to consider the recommendations of the Congress.⁶¹

The matter of submission conveniently postponed, the legislature turned to the election of a successor for Calhoun. Keith and Sumner led the first ballot, as was expected, with fifty-six and fifty votes, respectively. Brewster, who was carrying in an intense opposition but apparently did not wish to continue in the seat, received twenty-seven, and five other candidates received token votes. With Sumner's block of votes remaining almost solid, three more ballots were required for Keith to garner a majority from among the supporters of the other candidates, the final vote being, Keith-67, Sumner-46, others-13.⁶²

⁶¹ Ibid., Dec. 29, 31, 1850; South Carolina Herald, in South Carolina, 1850; Washington National Intelligencer, Nov. 10-Dec. 21, 1850.

⁶² Charleston Daily Mercury, Dec. 13, 1850; Washington National Intelligencer, Dec. 21, 1850.

The Harvard interpreted the fact that Booth's "vote competitor on the fourth ballot . . . [was] a gentleman so nearly identical with him in political faith" to mean that "the vote may be taken as an almost unadvised decision in favor of resistance. . . ."¹³ On the other side looking through colored eyes, James L. Fellows considered the significance of the vote quite differently. He wrote his daughter the next day:

There were but two candidates, Booth and Sumner, and yet it required four ballottings to get an election. This could not have happened if so many people--about one-third of the whole body--had not thought that neither was fit for the place. Nothing is more calculated to inspire confidence in men than that look for reaction than this very circumstance. The whole Legislature, with very few exceptions, are declared abolitionists, yet they object to Sumner. That Sumner is not so violent. I infer from this that they are not so mad as they affect to be, and that with a great deal of real action there is also a good deal of acting.¹⁴

Ferry, another of the colored leaders, recorded that although "there were no two men who were more antipathetic of each other than Mr. Booth and myself in politics, . . . I had so much confidence in Mr. Booth's ability and patriotism, that I supported him for the United States Senate in preference to his opponents, who were of the same party, though not so equally violent in their politics."¹⁵

In January 4, 1851, more than a month after the second meeting of the thirty-first Congress began, Booth presented his credentials

¹³Harv.

¹⁴James Fellows Garret, M.A., Letters and Speeches of James Louis Fellows, the Union Man of South Carolina (Washington, 1891), 106.

¹⁵Ferry, Confessions of a Public Man, 124, 126.

and took the oath to support the Constitution of the United States.¹⁴ His election of many years had been deferred, not only after he had lost all hope of winning for the South a more favorable interpretation of the Constitution by the Congress. Therefore, he made an apparent effort to conciliate the North, not did he declare himself a disunionist during his short first session in the Senate. He entered into the proceedings of the Senate with the same energy and forwardness he had always displayed as a legislator. His strong belief, however, that the South must decide as soon as possible what his own were straight-forward in his politics and more intendant of opposition than he had been previously.

Reminiscence of his first session in the lower house of Congress thirteen years before, the first debate in which South took part concerned the qualifications of members. In February 7, Robert A. Vintney of Massachusetts, who was serving under appointment as successor to Daniel Webster, presented the credentials sent him by the Governor for Robert Rantoul, Jr., who had been elected by the legislature. Since Rantoul was not present, Vintney was uncertain as to the legal procedure. Henry Clay expressed the opinion that Vintney was entitled to continue in his seat until Rantoul appeared, but Vintney went home. South, still shingling from Clay's accusation of traitorous conduct, welcomed a clash with the aged congressman. South thought the Constitution was as clear on the matter that there should be no doubt of its

¹⁴ Doc. John, 11 Cong., 1 Sess., 1791; Washington National Intelligencer, Dec. 7, 1851.

meeting in Ayres's rink. John Smith of Massachusetts introduced a resolution providing that in such a case a Senator should keep his seat until his resignation was accepted by the Senate. Smith moved a substitute resolution opposite to meaning--that as soon as the state legislature met the seat would become vacant. The matter continued until the next day, when both the original resolution and the amendment were tabled.⁴⁷

The next matter to engage Smith's attention was the Fugitive Slave law, which he had mentioned in the Nashville address. On February 12, Ray introduced a resolution requesting President Fillmore to report to the Senate on "an alleged case of forcible resistance to the execution of a law of the United States in the city of Boston. . . ."⁴⁸ The resolution was adopted, and three days later a meeting message was received from Fillmore expressing his determination to enforce the law and suggesting some improvements in laws concerning military obligation. Ray made a brief speech supporting the President and moved that the message be referred to the Committee on the Judiciary.⁴⁹

After three days of debate on the motion to refer the message Smith got the floor. He stated his central idea at the outset: "I do not assent to the opinion expressed by many Senators here that this law will be enforced. . . . I believe that by the action of the States, and the States alone, the rights of the South can be maintained and

⁴⁷Proc. Senate, 31 Cong., 2 Sess., 476-482, 477-478.

⁴⁸Proc., 306.

⁴⁹Proc., Appendix, 703-273.

enforced," is proof of the lack of enforcement of the Fugitive Slave law that contained that out of fifteen to thirty thousand slaves who had escaped into the North only about fifteen had been captured, which "in every case . . . cost the master more than the worth of the slave."¹ In keeping with his personal procedure in Congress, Thurl turned to the Constitution. He justified his actions "I am a State-rights man. Ever since I have been in public life I have endeavored to carry out the plain and simple meaning of the Constitution of the United States. I offer constructions," then careful searching he could find no grant of power to Congress to legislate on Fugitive slaves. He quoted the document to show that the responsibility in the matter was left with the states. Noting from the "assumptions" of Congress, Thurl withdrew to refuse Supreme Court decisions on the subject. He expressed personal respect for the judges, but found that "in all times, the judiciary of a country has always been on the side of the Government." The Supreme Court had always sustained the "assumptions" by Congress. He read from a compendium of the Court's decisions to the effect that Congress had the power to legislate concerning fugitive slaves "not from any qualified grants in the Constitution, but 'in the absence of all provisions to the contrary.'"² He considered the Court's opinions "that constructive-decision-depends-and a manifest corruption from beginning to end of the thing to be proved."³

Repeating many of his previous speeches in Congress, Thurl condemned abolitionism as the real threat to the union. He quoted Calhoun from the 1833 debate with Webster to the effect that stirring up

abolitionism would bring an end to the union. He closed the speech with a restatement of his own convictions on the state of the union:

That this Union will soon come to an end, under the mighty sweep of the Free States, with the consolidation principles which they have ever advocated and enforced. The Union is destined to fall on, straining beneath the weight imposed after intervals, all faith, brotherhood, and peace, until the whole fabric falls a vast pile of ruin and dissipation.⁵⁰

When Clark finished, Clay took the floor immediately to reply. He argued that Clark had said nothing new and might well have presumed that the Senate already knew what he said. Clay thought the members' immediate intervention when they insisted upon strict interpretation of the Constitution in such matters had relied on the mode of formation of the Federal government for the power of nullification and secession. Clark interrupted to ask if Clay would object to his replying to these observations. Clay said he would be happy to sit down and let him reply then "if he has anything to say," but that he was making only a passing mention of nullification and secession. Clay indicated that he would prefer meeting Clark "or any of his school" in debate on a more appropriate occasion.⁵¹ Clark did not reply to Clay that evening and Clay was unable to return to the next session. The President's message was considered after Clay's speech and was not reported back to the floor until near the end of the session. According to Wallace, Clark had looked forward to engaging Clay in debate in order to refute Clay's charges of treacherous language, but was prevented by other Senators to

⁵⁰ibid., 317-323.

⁵¹ibid., 320-321.

will until the committee report was made on the Fugitive Slave law. In an attempt to secure his opportunity of replying, "We shall daily expect the members of the committee to make their report on the resolution."⁵²

Except for a colloquy in which he insisted that Southern⁵³ terms ended at midnight on March 3,⁵⁴ Sumner was exceptionally quiet for the remainder of the session. However, in a short special session of the Senate which occurred immediately upon adjournment of the regular session Sumner could not keep his peace. On March 10, he rose to a point of personal privilege to read a letter Senator Ben Houston had published in the Washington Times. Houston contended that South Carolina's constitution was "founded upon an aristocratic basis." Sumner took up one by one Houston's allegations in support of the contention, and labeled them all wholly or partially untrue. He concluded:

If the Senator had any plausible facts to rely on, it would hardly become the representation of a State which has been a State since last the other day, to stand up and averrge, as ignorant or neglectful of the principles of free government, one of the Old Thirteen. It will not grace that State to profess to teach the people of South Carolina how to divide liberty, or how to preserve it; least of all does it become a Senator from Texas—whose State South Carolina was incorporated in bringing into the Union, and which it has been asserted on this floor would not have been brought into the Union without the aid of her statesmen—to stand up here and averrge, and, by the perversion of truth, attempt to injure the fair fame of South Carolina. I am with diffidence expressing my indignation. Let the Senator from Texas now answer me.⁵⁵

⁵²Wallace, Political Life and Services of Robert Emmett Sumner, 85.

⁵³Speeches, 10 Cong., 2 Sess., 517.

⁵⁴Ibid., 522-523.

Houston admitted that he may have made slight factual errors in presentation in South Carolina, but insisted upon the truth of his general charge of oligarchical government which permitted a few men to maneuver the state into supporting secession.

The next day North noted that "the Senate will adjourn upon the 24th inst. at about tomorrow . . .," but the action was belated. When his notice was then rejected North explained that he had urged the Senate to meet more than three hours per day, and explained:

Every Senator has put upon his own responsibility, and according to his own views of duty. I neither intend to teach others, nor do I expect to be taught by others. I think I have done what my duty requires of me, in staying here as long as I have stayed, and no other duties call me elsewhere. I shall stay here no longer. Tomorrow morning I return home.²⁵

While North was in Washington his state had held the election, as mandated by the legislature, for delegates to a state convention. Almost all of the candidates were declared secessionists. There was little campaign excitement and few people went to the polls. In Charleston, for example, the number of votes cast was about one-third the number cast in the election the preceding October. The secessionists interpreted the small vote as meaning the people did not want to secede. The secessionists put it as proof that the people considered the laws voided in favor of secession. "Whatever the cause for the small vote, the result was to give the control of the convention into the hands of those favorable to eliminate separate sessions by South Carolina."²⁶

²⁵Id., 417-418.

²⁶Id., Journal of Proceedings in South Carolina, 76-77.

Those favorable to separate association elected LYT to LYT delegates, with fewer than ten in outright opposition to association. The minorities did not claim that more than about seventy of the delegates were opposed to association. Ferry headed the only union delegation elected, whereas those favorable to association included with prominent names as Davis, Burnell, Adams, ex-Governors Richardson and Johnson, ex-Governor Roger, Governor Smith, and Senator L. F. Fuller. Smith, who had recently established a residence in Charleston, was not a candidate, but his brother Edward was elected from St. Johns Parish.⁵⁷

In face of the obvious lack of support for association in other Southern states, the victory of the South faction presented a frightening threat to the minorities and separatists. Thus, during the spring and summer of 1851 the campaign for the election in October of delegates to a Southern congress became a fight to the finish. Again the two groups opposed to separate state association continued to fight. Ferry crystallized, with support from Washington, the Jeffersonian Journal as an organ for the opponents to association. Such separatists as Fuller and Burnell, who had pursued cooperation all along, joined the forces of Polignac and Ferry. In fact, Smith was the only well known leader who stood with the separate state association movement, which was comprised mainly of younger men who dominated the Southern Rights Associations of the state. Sumner, though he had always denied Smith's admission, was the only prominent political figure who remained aloof

⁵⁷Ibid., 57; Charleston Daily Mercury, Feb. 18, 1851; White, Robert Forsyth Smith, 126-127.

from the campaign.⁴⁸

Stovall accepted the challenge presented by the growing anti-secession movement. On April 7, in a "large and enthusiastic" audience in Charleston, he opened his campaign for the election of secession convention delegates in the October election. His case consisted of three major arguments: South Carolina must maintain her rights at all costs; other Southern states would feel compelled to support South Carolina and would subsequently follow her lead in seceding; South Carolina could attract Southern trade which had been going to the North. Stovall took a position on secession which he had not taken previously: "I Southern Congress men would be our ruin. . . . It would neutralize secession." Stovall saw, therefore, no alternative except "secession or annihilation by South Carolina alone." He predicted that attempts by the national government to use coercion on South Carolina would bring about a Southern confederacy within a year. He believed the North knew this. Thus, he anticipated a possible separation followed by prosperity and the gradual growth of a Southern nation.⁴⁹ R. T. Stephenson thought Stovall's speech "forgot the overworked issue which is the real clue to the whole work."⁵⁰ The speech took the broad class with the secessionist; it divided the state into two distinct camps--for or against

⁴⁸Waver, Secession Movement in South Carolina, 55-56; Morris, South Carolinian, 130-47.

⁴⁹Charleston Daily Mercury, April 8, 1861.

⁵⁰R. T. Stephenson, "Southern Nationalism in South Carolina in 1861," The American Historical Review, LXXI (1960-61), 385.

succession.

At first, the victory seemed to be within Sumter's grasp. When the Southern Rights Association convention met in Charleston in May, the separate state resolutions had an overwhelming majority among the delegates, who proceeded to adopt a set of resolutions favoring separate state secession. Sumter was a delegate but confidently avoided any open part in the proceedings. Butler, Sumner, and Congressman Davis L. Orr made speeches opposing the majority report, but without success. After this Sumter victory the question stayed up the campaign. Sumter responded with a speaking tour of the state.⁴¹ In general, he repeated his arguments from the Charleston speeches of 1850 and 1851, and refuted the charges of the opposition. As the campaign became more arduous, Sumter grew more caustic. In an anniversary celebration of the battle of Fort Mifflin, Sumter responded to a toast with one of his own: "Secession—our fathers obtained it by selling the stamps, and by firing the guns of Fort Mifflin." According to the Harvey, "this sentiment was received with interested and repeated applause."⁴²

Sumter's health, which had never been equal to such strain, could not stand the pace. In March 1851 he went to England to recuperate, where he was said to have had some business transactions to make.⁴³ During Sumter's absence the election was held. Separate state secession

⁴¹Charleston Daily Mercury, Jan-Feb., 1851; Sumner, Speeches; Harvard in South Carolina, 77-125; White, Robert Barnwell Rhett, 195-218.

⁴²Charleston Daily Mercury, July 8, 1851.

⁴³Ibid., Sept. 25, 1851; White, Robert Barnwell Rhett, 125.

was rejected by every congressional district except South's own seventh. In the forty-four legislative districts, the secessionists and unionists carried twenty-five, with a total popular vote of twenty-five thousand to seventeen thousand for the secessionists.⁶² More significant, however, is the distribution of the votes.

The secessionists carried all but three of the low-wealthy parishes. In the up-country they carried only three districts. . . . Including Charleston as one, there were in South Carolina only ten districts in which the majority of the population was white. The secessionists carried all of those, and carried eight of them by a majority of more than two to one. There were fifteen parishes in which the negroes composed from 75 to 90 per cent of the population. The secessionists carried all but two of those, and carried them by large majorities.⁶³

The same, even in South Carolina, was still largely a sectional war.

Infected but determined, and apparently still free from his illness, South returned to the Senate in December. Throughout he engaged in the most heated forensic encounter he had ever faced. Senator Henry S. Poinc, along with most of the other Southern politicians--was eager to capitalize on the clearly indicated public support of the Secession of 1850, introduced a motion reaffirming the confidence of the Senate in the secession measures.⁶⁴ On December 25 South got the

⁶²Charles Edly Murray, Vol. II, 1851.

⁶³ibid., Secession Reported in South Carolina, 113-114.

⁶⁴Poinc, as leader of the secession forces in Charleston, had won a significant victory in October and November. His faction had won the election for delegates to a state convention in all but 18 of the 32 counties, and he had defeated Jefferson Davis as the Democratic nominee for Governor. The convention had subsequently endorsed the secession and declared secession to be sanctioned by the Federal Constitution. Davis, South of Secession Nationality, 208-211.

floor for that time considered a "respectable speaker"⁸⁷ in opposition to the Fiske position. He spoke until after nine o'clock and continued the next day.

He opened with an explanation of his desire to reply to Clay before the end of his previous session, and gave notice that as soon as the resolutions should appear in his next issue and he able to engage in debate he would make the reply he had intended earlier. Then he moved to Fiske, who had called the secessionists of South Carolina "disseminators and traitors." Pointing out that "there is not much force in applying they are generally the resorts of silly weakness or malignant rage," Webb said he would disregard the charge except that it had been leveled against his state.

The people whom I represent are, for greater part of them, I believe, secessionists—they are disunionists; and I hesitate not here to say, as a Senator of South Carolina . . . that, under the circumstances in which the South is now placed, I am a secessionist as a disunionist. So long as my constituents state I represent—shall continue to be there, I am bound, as I am sworn, to support the Constitution of the United States; but, in my opinion, the compact of the Constitution is violated—the Union of the Constitution is dissolved—and it is now duty, as it is now right, to protect the people from the oppression and danger which surround them. I propose this day to lay before the Senate some of the grounds upon which, I believe, the people of South Carolina have come to the conclusion that they cannot, under existing circumstances, live in peace, much less in honor, in this Confederacy, unless it shall be reformed from its foundations.

Webb stated that the Congress of 1850 relative to the Fugitive Slave Law and the disposition of territories was disadvantageous to the South. When Fiske asked to interrupt, Webb replied: "I would

⁸⁷White, Robert Turnbull Webb, 126.

prefer not to be interrupted; because the Senator has not a good temper, and mine is not much better." Next, Davis gave a detailed historical and rhetorical analysis of the slavery and tariff questions. Then, he came to his part in the campaign for secession and his current position on the matter:

The South was gain nothing by delay. Hence it is, that I have been for secession with older Southern States; and if they would not secede with us, I have been for secession of South Carolina alone. She can but be subjected and mastered; we can but have those guns now mounted at Fort Mifflin and the batteries of the soldiers within its walls used against us. We are now, nothing but an outraged and degraded colony. There is then no other way to be liberated and endangered slavery; and if we do not shortly right ourselves, in my opinion we must soon be a ruined colony.

Finally, Davis took into constitutional arguments on the right of secession. Although he did not refer explicitly to the colony with every day in the preceding session, Davis replied to Clay's argument:

Why, sir, the right to hold legislative assemblies, and of taxing our people, and all the other powers connected with a State government, existed before the Constitution, and are not granted by the Constitution of the United States. The right to secede, like all these powers, is a reserved right. It is a necessary incident connected with the reserved sovereignty of the States.

This took Davis into the arguments he had used in 1856 and which he had recalled time after time as the sectional conflict grew more intense. He continued that "the Declaration of Independence declares the States to be free, sovereign, and Independent States," and concluded the establishment of independent governments is one of the inherent original states. In a transition to his final refutation of Forts he announced:

Sir, Jefferson may be wrong, Madison may be wrong, Virginia and Kentucky may have been laboring under strong delusions,

hardly any have been a voting fraction, and Ritchie just nobody at all, but certainly the Senator from Mississippi will acknowledge the wisdom and authority of himself. Secession must certainly now be triumphant, since it has the high sanction of his illustrious name. I hold in my hand a speech of the Senator, delivered in the Senate on the 11th March, 1862, in defence of the resolutions passed by the Mississippi Legislature.

Following the quotation from his speech, Forts interrupted to say that he denied that the Constitution mentioned secession and that he, like Jefferson, was "a revolutionary secessionist." This prompted North to deny that there could be any such thing as a revolutionary right. "A right is in a right, much werry with it the acceptance of all persons be the example. I cannot have a right to do a thing and another have a right to prevent me from doing it." Therefore, North inferred that when Forts had quoted Jefferson he meant that Dr. Jefferson meant—that a State had a right to secede, with no moral or legal right by any authority on earth to interfere with or restrict her. He meant this, or he meant nothing."

North did not wait to close without saying a few words about Wilson and Forts's disparaging remarks about him. He described Wilson's final days in the Senate, and ended with a charge of Forts's

The Senator from Mississippi hurried him to his grave. A few days or a few weeks previously, that Senator sought his residence, and portion of his offices of Mississippi, for, sir, he was always kind to all. Should not pity, if nothing else, how pleased with him for perseverance and charity? Yet, after he is gone, the Senator stood up here, and not only speaks disparagingly of him, but you all see the bitterness—I will not say malignity—with which he denounced his opponent. He not only hurried him to his grave, but now digs at it, for the purpose of burying, if possible, a portion of his remains, to be exposed to dismember. Let him have all the glory of such glorious deeds. I leave him to his own thoughts.

his own situation.⁶⁸

After further debate on the resolution by Mason and others, Foris got the floor on December 18 and spoke for the greater portion of two days in reply to Clark.⁶⁹ During his speech he was frequently interrupted by Clark to deny the accuracy of a statement or to elaborate the details of a matter mentioned by Foris. Foris quoted from the 1850 Alabamian Hall speech to the effect that Clark became a disunionist in 1845, but, citing the speech in the 1850 state convention, he contended that Clark had been expressing disunionist aspirations for twenty years. Clark interrupted: "I do not care whether you say twenty or one hundred years, if I was so old. The time is of no importance."⁷⁰

On December 20 Clark, under almost constant harassment by Foris, mentioned the personal struggle. He began by saying that during his sixteen years in legislative bodies he had never been involved in "any personal altercation with anyone," but that since Foris had been in the Senate there had been nine personal disputes in that body than for twenty years. Foris called him to order. Clark denied the accusation of Foris that he had advised Wilson to resign from the Senate. He claimed that he had secured Fell from the contract that he would carry South Carolina for him in 1854, though Foris had spread a rumor that he was opposed to the Democratic nominee.⁷¹

⁶⁸Am. Hist., 31 Cong., 1 Sess., 96, 100; Appendix, 42-43.

⁶⁹Am. Hist., 31 Cong., 1 Sess., 125, 126.

⁷⁰Am. Appendix, 42-43.

⁷¹Am., 42-45.

The Charleston Mercury, noting the "bold horror" in the North at Sumner's declaration of disunion, reported the debate between Sumner and Forts with eager interest. It considered Sumner's reply to Forts "a striking one . . . , stripping the color jacket of all his borrowed plumes, and holding him up to universal contempt, as an empty and unscrupulous charlatan." The Washington reporter for the Mercury thought Forts "lashed and derided well, like a beaten hound, and the miserable unfolding array of his self-interest failed to protect his wounded vanity from the sharp shafts hurled from his own speeches. . . ." Sumner was represented, on the other hand, as analyzing the compromise and exhibiting "State succession as the right's remedy for such wrongs . . . instead of making personal retorts. . . ." The Mercury considered his speech "equally distinguished for the firmness with which he declares his opinions, and the ability with which he defends them."¹⁹

A few days after the encounter with Forts, Sumner left Washington for South Carolina, where he was ill for several weeks. He did not return to the Senate until late in February.²⁰ During his absence two Senators, Jeremiah Claiborne of Alabama and Louis Cass of Michigan, had made speeches in which Sumner's fall he had been reflected on personally. In reply to Sumner's speech on the Forts resolution Claiborne had been particularly strong in his attack on Sumner. He had called all secessionists "fire-eaters," referred to Sumner's "immovable arrogance,"

¹⁹Charleston Daily Mercury, Dec. 28-30, 1861.

²⁰Opp. State, 32 Cong., 1 Sess., 659; White, Robert Garrett Sumner, 177.

and expressed the belief that outside of South Carolina "there is a very prevalent opinion that the Senator would never have crossed an extraordinary session, even in the Kingdom of Mississippi itself."¹⁶

Wells got the floor on February 27 and, after apologizing for his delay in replying to the "misadministration of the Senator from Alabama and those (in a milder strain) of the Senator from Michigan," plunged into Clarendon's attack. He quoted from a version of the speech Clarendon had circulated in Alabama to the effect that Wells was applauded by Charles Sumner, Salmon Chase, and other abolitionists at the end of his speech on the Fugitive provision. Clarendon later retorted: "There is a sympathy in France as well as in Hungary, and those who are currently striving to accomplish the same end need not quarrel about the specific means employed."¹⁷ Wells called upon both Sumner and Chase to state whether they had applauded his speech; they both expressed disapproval of his excessive sentiments.

Offering to let Clarendon "speak himself," Wells then summarized from the Constitutional Union nine instances of speeches in which Clarendon had previously condemned the compromise measures and advocated resistance by the South. He quoted Clarendon's speeches at length. He also quoted letters to prove that Clarendon had been elected in 1842 under a deal in which he had pledged to support the Fugitive administration. He concluded with an expression of appreciation to the Senate for providing him the long explanation.¹⁸

¹⁶Mass. State, 28 Cong., 1 Sess., January, 36-37.

¹⁷Mass. State, 28 Cong., 1 Sess., March.

Chambers took the floor for a reply in which he accused Kirtz of ignorance and denial that he had meant to call Kirtz a hypocrite and a traitor. "But, if I had done so, the subsequent course of that Senator justifies me in adding the epithet of coward, to that of hypocrite and traitor." Chambers would not permit a motion to adjourn until he had brooked Kirtz's charge of conspiracy with the Whigs "to fool him, notwithstanding the slightest evidence of truth."²⁰ The next day Chambers continued in a similar vein, after which Kirtz explained why he had not challenged Chambers to a duel: "What! threatening myself on this floor, I would also threaten the great man with whom I am identified . . . [as] a professed of the religion of Christ . . . I strongly abhor that I fear God and that I fear his more than man." Kirtz laid no claim to extraordinary courage, but he added: "I do have done, but, I trust, alone without fear. Have I quailed before any of you? Doubtless, answer, if I have ever done so." He gave retort after a few other points had concluded by saying that he would postpone his reply to date until a later date.

Chambers closed the engagement by asserting that he was Kirtz's equal in every way, but had accused him the loss of Kirtz's speech that he wanted a duel. As to Kirtz's religion, Chambers claimed to have never heard of it until after he had made his strong reply had, consequently, learned from his language the next day. He did think, however, that Kirtz's Christianity should have "prevented the proposition rather

²⁰Journal, 447.

has proved an excuse for avoiding the consequences." Furthermore, Clason declared how he was surprised to learn that there was no religious "while he was standing in the heart of hearts a religious bitterness which would have done credit to a fiend!" How could I suppose that he was plotting even at the foot of the altar a wicked and deliberate assault upon the reputation of a fellow man?⁷⁷

Again the Charleston Mercury followed the debate with daily reports. After Scott's first speech the reporter described the debate as "a very curious encounter," and claimed that it was almost unanimously agreed in Washington that Clason had "come off second best With all his readiness and volubility he was reduced to a most painful and pitiful silence by the terse quotations from his own previous speeches. . . ." The second day of the meetings the report included the following description of the scenes:

At an early hour the Senate galleries were crowded to their utmost capacity. The entrance to the Senate and the side-rooms were blocked by crowds unable to obtain admission to the gallery Women took the reporter's gallery expecting to hear and say naughty things about each other. The first rule is a reporter's gallery is silence--this rule was suspended today.⁷⁸

With the state constitution to convene late in April, Scott announced in the Senate on April 7 that he was leaving for South Carolina.⁷⁹ Although other Southern states had not responded to the call

⁷⁷Ibid., 452-453.

⁷⁸Charleston Daily Mercury, March 3-6, 1857.

⁷⁹Comp. State, 2d Cong., 1 Sess., 299.

for a regional congress, South Carolina had gone ahead with plans for the state convention.⁸⁰ The majority of the delegates had been elected as separate state representatives, but the election of the congressionalists in October was generally assumed to be a mandate of the people against secession. Some of the unionists hoped to salvage some form of reconciliation from the convention. Efforts were made to rally the group behind a plan of Sumner's for South Carolina to abstain from participation in federal affairs without declaring the state's independence. But the group was hopelessly divided. The major effort in the convention, therefore, was devoted to reconciliation of the political factions. The only report made by the meeting was an ordinance reaffirming the right of South Carolina to secede from the union.⁸¹

Sumter considered the ordinance "absolute rebellion" to the South and, as no doubt it was, repudiation of his leadership. He promptly submitted his resignation to Governor Pickens, who asked him to reconsider. But Sumter could not waver. He wrote the Governor in part:

beside of the profound respect I owe the State as my sovereign, and deeply grateful for the many favors and honors she has conferred upon me; I bow to her declared will, and mine say for mine, she, with better laws and, and judgments more corrected, and higher spirits live in the course she has determined to pursue.⁸²

⁸⁰Washington National Intelligencer, Dec. 5, 1861, had predicted that attempt at a Southern Congress would be a "securer affair" than the Nashville Convention had been.

⁸¹Sumner, Speeches Delivered in South Carolina, 124-125.

⁸²Washington Daily Evening, Nov 1, 18, 1861. Sumter's dis-

Keith's convictions were too strong, his uncompromising nature too firm, for him to continue in his seat in the Senate. Although he had longed for the position for years, he was neither willing nor able to hold it by yielding to the "peace in our time" dictates of public opinion in the South. He knew too well that the compromises necessary concerned only surface phenomena without bridging the fundamental chasm between slavery and anti-slavery beliefs. He could only hope that his relative youthfulness of fifty-two years would permit him to live for a resumption of the latent desire for independence in the South.

Of one thing, however, he was more convinced than ever: the South could never be brought to act in unison. Keith's judgment for over a decade on this matter had proved superior to that of the colored citizens. Perhaps Keith knew now why it had been necessary, though, he was an attempt at unified action. Perhaps, too, he understood better than ever before the processes of persuasion. He must have known, at least, that his persuasive powers were not strong enough to do more than channel the current of public opinion in South Carolina even as it was flowing strongly in his direction. And the current was not strong enough or the channel deep enough to carry a flood-tide of hope for the nation. He could only wait until that tide ebbed and fresh waters poured into the stream from the hills of the North where the nation's culture was spreading.

Disappointment and disillusionment were intensified later that year by the death of his wife in giving birth to their twelfth child. He subsequently married Catherine Herbert Dent, White, Robert Marshall Keith, 113-114.

CHAPTER III

THE WASHINGTON GROUP: CUESIL FOR REUNION

Thett did not do things by halves. The leadership vouchsafed by South Carolina, he accepted the decision of the state and withdrew into what the family would not acknowledge referred to as his profound retirement.¹ He declined to make any speeches or other public appearances for seven years, but he was far from inactive during the period. Although he gave primary attention to his private affairs,² he did not neglect political matters. In fact, it was said after his death in 1876 that during his voluntary retirement he "was the master-spirit in South Carolina politics. The death of Calhoun left the state without a peer in influence, and this influence was identified by the character of his counsel."³

It doubt Thett was the master-spirit of the small group of irreconcilables who remained faithful to the principle of separate state secession. But the state rights faction was torn to shreds by the failure of the 1850 secession agreement. For the first time in over twenty years a group known as secessionists, who favored national

¹Thett, Robert Russell Thett, 156.

²Thett practiced law in Charleston, cultivated his plantation on the Johns River in Sumter District, and acquired another plantation in Georgia. He held 150 slaves on the two plantations. Ibid., Thett, "Manuscript Number 1," Thett Papers (Charleston).

³Charleston Daily News and Courier, Sept. 18, 1876.

cooperation within the Democratic Party, gained control of much of the political machinery of South Carolina. The most prominent leaders of the neo-nationalist faction were James L. Orr, who was elected Speaker of the United States House of Representatives in 1857, and R. F. Perry, who became Provisional Governor of the state in 1865. Prominent Plaines and others less prominent in South Carolina politics described the neo-nationalist desire to join the nationalist forces.⁴ But the Orr organization was never able to surmount anything like the control that Calhoun had held over the state. The Governors during the decade—James H. Adams, John H. Seane, Robert H. Anderson, and William H. McMaster—were sympathetic toward secession than they were to nationalism.⁵

In addition to domination of the legislature by their partisans and other less effective neo-nationalists, the South's point of view and legislation were perpetuated in Congress by L. R. Smith from South's Second District.⁶ Smith was representative of a younger law country

⁴Wallace, *History of South Carolina*, III, 331-332; Perry, *Reminiscences of Public Men*, Second Series (Greenville, 1887), 331.

⁵Harold S. Schultz, *Nationalism and Neo-nationalism in South Carolina, 1854-1868* (Columbia, 1957), VIII, 331-332. "There has been a tendency among recent scholars to overestimate the strength of national democracy and nationalism during the period of the Jacksonian administration. That faction which was most consistently in control National Democrats and which was organized under the leadership of James L. Orr, is far as I have been able to determine, at no time was able to control the legislature; and the position during the years after 1857 was one of gradual decline rather than increasing strength. Effective leadership and organization of moderate opinion during these years gave no appearance of such greater strength to the National Democrats than they actually possessed. National sentiment crystallized in the middle fifties, but I have found no evidence to indicate that it expanded thereafter."⁷

⁶Schultz considers Smith "archetype" of the South Carolina

generation which, no doubt, had been influenced by North, as he had been by Turnbull and Hamilton. As long as Sumner and Gillette were represented in Congress by a man of the North-South mold, association was not dead in South Carolina. Allan Norrie thinks it was clear that "North had by no means given up his Union plan."⁷ But the withdrawal of the state to the Congresses of 1850 limited the strong state rights sentiment to the low country, where the core of its strength had always been. The hope of the secessionists lay in the fact that the cotton culture was spreading low country attitudes over the middle country and into the up country. Nevertheless, "the temporary cessation of national quarrels permitted renewal of the old agitation of the up country against domination by the parties with their small white population"⁸ Naturally, the North secessionists were strong defenders of the giving up, which offered their best hope of winning the state to secession.

The internal strife and external misadventures of South Carolina were renewed somewhat in 1854 by the Kansas question. Southern Bell and Josiah A. Evans, a former judge who replaced North in the Senate,⁹ both supported the Douglas Kansas-Nebraska bill. They were joined by the

Director . . . [showed] forte was oratory. His speeches were bombastic, spirited, colorful, hasty-impetuous reflections of his own intense nature . . . and yet somewhat logical." Ibid., 18-19.

⁷Allan Norrie, Friend of the South, 2 vols. (New York, 1897), II, 39.

⁸Bellows, History of South Carolina, III, 126.

⁹Washington Daily Mercury, Dec. 18, 1854.

South Carolina delegation in the House and a large majority of Senators and Congressmen from other slaveholding states. In a speech in support of the bill, Parker declared the agitation of slavery in the Senate as a danger to the union, but he pledged his support for the bill because it repeated the "unconstitutional" Kansas-Nebraska.¹⁰

Although their representatives in Congress supported the Kansas-Nebraska Bill, the South Carolina constitutionalists considered it from the outset another step in Northern agitation against slavery.¹¹ Nevertheless, the passage of the bill and the subsequent settling of Kansas aroused little interest in South Carolina or other Southern states.¹² In the years just now before, however, the South Carolina constitutionalists attempted to capitalize on the controversy. After considerable expenditure of energy and funds in an attempt to collect a hundred men from each of the state's congressional districts, only a few hundred South Carolinians went to Kansas.¹³

Perhaps more significant to South Carolina than anything else growing out of the Kansas-Nebraska issue was the naming of Charles Sumner by Congressman Preston Brooks. After Sumner had made a speech in the Senate which was highly insulting to the moderate Senator Pickens, who was not in his seat at the time, Brooks--another South Carolinian

¹⁰ Cong. Globe, 30 Cong., 1 Sess., Appendix, 118-119.

¹¹ Charleston Daily Mercury, Jan. 10, 1854.

¹² Sumner, Administration and Participation in South Carolina, 45-46; Green, Speeches of Southern Statesmen, 174-175.

¹³ Ballou, History of South Carolina, 112, 127.

individualist--felt that personal revenge was the only appropriate action. The attack, of course, intensified Southern contempt for slaveryless, but it also brought widespread endorsement of Brooks' action by South Carolina politicians and press.¹⁵ Escaping from the Senate, Brooks was almost universal vindication.

The secessionists in the state attempted to stir up division resulting as a result of the Brooks-Sumner fight, but the few factions apparently gained more from it. The leaders of Brooks was told by the secessionists to refute the charge of anti-Southern individualism with which the faction had been labeled. The few group, having won a state convention to nominate delegates to the National Democratic Convention, controlled the South Carolina delegation which voted for the Democratic platform of 1856 and for the nomination of Buchanan--after voting for Pierce for fourteen ballots. The North faction opposed participation in the national convention, but generally endorsed Buchanan. In its opposition to the new Republican Party and John C. Fremont the state was almost as solid as in its endorsement of Brooks.¹⁶

The political realignment which was going on all over the country in 1856 was not without a parallel in South Carolina. The Democrats, or "Non-Resistant," Party was organized in South Carolina, but like the Whig Party it never became a threat to the supremacy of the Democrats.¹⁷

¹⁵Ibid., 117-120; Adams, Journalism and Participation in South Carolina, 117-120.

¹⁶Ibid.; White, Robert Bennett Roach, 128-130.

¹⁷Adams, Journalism and Participation in South Carolina, 79.

The one party in South Carolina comprised things she could no longer be associated with the growing abolitionism in their own party, and consequently she feared the growth of nationalism in the South Carolina Democratic Party. Now South Carolina, however, was more interested in problems concerning education and immigrants than in slavery. Thus, class slavery was the one important issue in South Carolina, the millenarian and messianic religious forces in the Democratic structure to defeat the new party. Efforts among the South faction to form a new Southern Party were equally fruitless due to their weakness in organizational ability, their lack of public appeal, or their inherent distrust of political parties as protectors of principles.¹⁷

It was the fact that the political ferment of the country gave birth to the new Republican Party, the irreconcilables of South Carolina were ready again in 1854 to become "schismatics in voting their preference for a Southern confederacy over the Federal Union,"¹⁸ the Charleston Mercury, on the verge of becoming a completely South dominated publication, led the parade of secessionist newspapers with the declaration that the South had "the simple alternative of separating herself from the union or being destroyed by it."¹⁹

The incorporation of Arkansas in 1857 did not quiet the growing

¹⁷ Ibid., 77-83.

¹⁸ Ibid., 125.

¹⁹ Charleston Daily Mercury, June 15, 1854. Soon after this Robert Marshall Smith, Jr., former pastor editor of the Mercury. Ibid., Feb. 5, 1857; Mercury, Robert Marshall Smith, 18-21.

clear for Grant in South Carolina. As the argument over popular sovereignty continued, many South Carolinians began to desert the ranks of the constitutionalist national Democrats. Nor did the final South Carolina secede the trend. South Carolina was more danger to "Black Republicans" opposites to the decision than benefit in its recognition of Southern "rights." Thus, the most intensive force in South Carolina politics continued to be the hostility to the Republican administration.²⁸

Upon the death of Senator Butler in the summer of 1857, the South Carolina decided that it was time to test the secessionist strength. In August, 1857, the Lawrenceville Herald, always a secessionist newspaper, published a sketch of Butler's life written by Daniel Wallace. Editorial comment as follows accompanied the Wallace article:

We shall offer an apology for occupying so much of our space with the article on this subject. . . . We have placed it in confidence in the eyes and of "all's well," away by those National Democrats who would make us believe that our interests and honor are more secure under the patronage of our enemies, than when protected by our own strong arms and stout hearts, strengthened by every principle of right and justice. We have written for ourselves [sic], and dared to think for ourselves [sic], but are now willing in the growing strength and numbers of our enemies to give us any hope of peace, justice, or equality which is vended in the South. We believe Mr. Butler to be the very man to represent South Carolina in the Senate of the United States. He is our choice among all the good men now in existence.²⁹

In closing his arguments for the secession of South, Wallace predicted:

²⁸ Butler, Intemperance and Republicanism in South Carolina, 126-127.

²⁹ Quoted in Wallace, Political Life and Services of Dr. Daniel Wallace, 5.

If we have passed, are passing through, a political decade in which the notions of men like Mr. Taft are not demanded by the times, a decade will soon be upon us when they will be. Events are rapidly dispelling the mists of error and of a false political philosophy which through should be ruin to the South. Truth is slowly arising from the dust in which it has been trampled, and South Carolina will yet require the work worthy of her sons to lead her safely through the gathering storm.¹⁸

On the other hand, the up country Spartanburg Herald reacted quite differently on August 13, 1891, to the Taft candidacy:

Relatively unpopular in the state, as proved demonstrated per se, he would neither exert strength in favor nor constitute support abroad. He isn't like a man of talent, but regard him a man without influence and therefore totally unsuited for the only purpose for which his presence is desired at Washington. He is a specialist in called for diplomacy or statesmanship.¹⁹

Bothless aware of the damage a losing campaign could do to his personal political future and to the cause of secession, Taft remained in the background. The other leading candidates were Pickens and Sumner. Pickens was active in the nationalist faction of the Democratic Party, but Sumner had expressed no opinions on political issues since the state convention of 1876. After polling only six votes on the first ballot Taft withdrew. Sumner was elected on the third ballot—the middle-of-the-road position uniting all factions in the state to ensure his election as a victory for their respective points of view.²⁰

¹⁸Ibid., 21.

¹⁹Quoted in Schatts, Nationalism and Sectionalism in South Carolina, 14, and in Wallace, History of South Carolina, 115, 127.

²⁰Summary, James Henry Sumner, 124-125; Wells, Robert Barnwell Rhett, 124-125.

Here was proof that the separate state secessionists had a long way to go before they could gain control of the state. It seemed clear, however, that a majority of the people favored secession--provided only that Southern cooperation could be obtained. During 1851, therefore, the South controlled Georgia began to talk in general terms of some type of Southern cooperation and avoided ardently any mention of separate state action. There is no evidence that South had changed his mind, but he had learned his lesson well in 1851.²⁵

Although there was increased secession activity, factional divisions in South Carolina remained essentially static in 1851. The two Senators--F. Pickens, expelled on the death of Sumner in May, and Sumner--pursued a moderate course similar to that Butler and Sumner had followed. In general, however, the state's Congressional delegation leaned slightly more toward division secessionists than had the previous group. All factions, including the two extremes represented by South and Pickens, stood together in support of the Compromise Constitution for Kansas. Even the failure in Congress, there was no change in the agitation for secession, but the South Carolina secessionists hoped above all Douglas and his theories of "symmetrical sovereignty"; they predicted that withdrawal of the Kansas question would strengthen rather than weaken the Republican Party.²⁶

²⁵ Charleston Daily Mercury, 1851; White, Robert Barnwell Rhine, 111-112.

²⁶ Seville, Nationalism and Constitutionalism in South Carolina, 130-131. Interestingly, the South's knowledge of Douglas' position on territorial expansion was supplemented by F. E. Pickens, Senator

While the Union conference was at its height, a Southern commercial convention met in Montgomery, Alabama, in May, 1853. One invitation from Tanny, Thistle attended. Although the older and more experienced South Carolinian was content to let Tanny dominate the meetings, Thistle's influence was strong. With Edward Ruffin of Virginia also a delegate to the convention, it was apparently at this meeting that the three leading secessionists agreed on a plan to force dissolution of the union in 1860. Following the convention Tanny went to Virginia at Ruffin's invitation to begin a campaign to organize a "League of United Southerners" to work as a political action and propaganda committee within the Democratic Party. Thistle gained full control of the almost bankrupt Enterprise and bought the Charleston Standard to combine with it. In the pages of the Enterprise the Thistles joined the struggle for the League, but--as did Tanny and Ruffin--opposed reopening the slave trade, which they believed only served as an excuse to divide the Southern secessionists.²⁷

Lincoln's law partner, during the Lincoln-Douglas debates in Illinois in 1858. Apparently only one of Sumner's letters was preserved. This one--dated "(likely confidential) Chicago on December"--mentioned a letter of the previous day, and noted that Douglas had expressed opposition to "the acquisition of new territory . . . , especially Ohio." Sumner emphasized that Douglas, "all his great denegations, . . . [is] out in favor of admitting, this winter, Kansas into the Union as a free state." Sumner recommended the President's speech by Douglas as required reading for Southerners. He conjectured that Douglas was a "trained man in ill," and was "kidding high for the Republican vote." Sumner claimed that, although "a Republican," I love a good Southern. . . ." E. A. Sumner to "Mr. . . . Harvey," Sept. 2, 1858, Thistle Papers (Charleston).

²⁷John Willardson Pollock, The Life and Times of William Lincoln Tanny, 2 vols. (New York, 1892), I, 124-125; Henry David, Edward Thistle, (Charleston: A. N. & L. Sumner, New York, 1892), 125-126; Willa, Robert Harvey, 1853, 185-186; Charleston Daily Mercury, July-Nov., 1858.

At the same time the Whig, in anticipation of the fall meeting of the legislature, began to attack the growing conservatism of Senator Sumner. When the legislature convened, it moved promptly to the election of a Senator to fill Sumner's seat. The secessionists, unable to agree on one candidate, nominated Barth, James H. Sims, and John Wilson on the first ballot. Later, Barth received a few votes. The nationalist vote was also split among several candidates. Sims led the slate for nine ballots, but Barth declined quickly from his second place on the first ballot when he received only twenty-three votes. On the tenth ballot, the nationalists threw their support to the only united in the race, and elected James Chesnut. Although the three secessionists on the first ballot polled enough votes among them to elect a Senator, the state was not ready to trust Barth's leadership again--nor was he willing to yield it to anyone else. However, the election of William L. Smith, a declared Unionist, to the Governor's chair did no harm to the cause of secession in the following months.¹⁵

During Barth's seven year absence from the public platform events had convinced him more strongly than ever that secession offered the only hope for preservation of the Southern culture. Furthermore, the election of 1860 with its threat of victory by the abolitionist Republican Party provided the challenge for which he had been "professionally" waiting. Although there is no evidence of correspondence during

¹⁵Charleston Daily Mercury, Dec. 4, 21, 1858; White, Robert Samuel Smith, 158. A detailed synopsis of the voting appears in Roberts, Secession and Unionism in South Carolina, 176-177, 181.

Smith, Towner, and Haffin in 1898, their plan for a campaign in being on occasion in 1898 apparently included an opening speech by Smith.²⁰ At any rate, a group of leading citizens of Oronautville addressed the following letter to Smith in April:

Sir: The price of your life has been paid in the service of the southern people; for many years you have been associated with our great war in both branches of the Federal Congress, during most eventful periods of time. And your old Congressional District has ever been proud of you as their representative; your one district has never faltered at the ballot box to enforce your sentiments.

History will concede to you that which some of your contemporaries deny—that of being one of the most consistent statesmen South Carolina has ever honored as her representative.

Smith has torn from the State many of your old associates almost alone you are left to tell the story of Federal aggression and of southern violation. Many of your predictions are daily being verified. Reaction is more emotional than ever. The economic struggle for the interest and fishes of the Government is but shamed by its food; and the democratic party will move, through her "moral victories," a Delilah to deliver over the South, since [sic] of Sir Pittsburg, to her implacable enemies. It will not, therefore, be surprising that many of your old friends would now more like to hear your opinions upon public affairs.

The undersigned have deputed one of their number to request that you will favor the people with your views, at Oronautville, on the 4th July next, immediately after the usual service has

²⁰Neither the Smith Papers (Charleston) nor the William L. Towner Papers (Missouri State Department of Archives and History, Springfield) contain any correspondence between the two. The Edward Haffin Story (Library of Congress), 1893-1895, makes no mention of correspondence on the matter among the three. White, Robert Barnwell Smith, 104, thought "Smith and Towner took counsel together" early in 1898. But Nelson, *Life of William Lawrence Towner*, 155-156, does not mention any correspondence between Towner and Smith between May, 1898, and July, 1899. Brown, *Edward Haffin, Congressman*, 153-155, indicates that Haffin thought 1898 was an opportunity for Southern action until after the campaign of 1899.

been delivered by the orator.³⁹

Greensville was in the heart of Sanford District. The village was founded some time after the Revolution as a healthy site—relatively free of malaria—for St. John's Parish and Tabernacle section planters. A Baptist church was built in Greensville before 1813, and the Holy Trinity Episcopal Church, which was erected in Greensville in 1838 and rebuilt in 1855 after a fire, is at present in good repair. The population in 1859 is not known, though at least thirty families had residences there. The village supported two schools, a grist mill, a blacksmith shop, and a business section of five stores. Two doctors and a dentist were among the citizens.⁴⁰ The *Charleston Courier* reporter who was dispatched to Greensville for the Fourth of July celebration commented that "Greensville is a small village, and has been built up in the midst of what is called the pine barrens. It is settled mostly by wealthy planters who spend their summers here."⁴¹

The large crowd which began to assemble on Saturday, July 3, preceding Davis's speech included about 250 men in uniform. They were divided among three military groups: the Sanford District Cavalry, the St. Peter's Guard, and the Hillingham Hunters. Davis arrived,

³⁹*Charleston Daily Mercury*, April 25, 1859. The letter was signed as follows: William Loring, Thos. F. Grayson, Jas. F. Howard, Edward Lynch, Thos. E. Scriven, and Wm. Thomas.

⁴⁰William F. Peep, "Greensville," unpublished MS in possession of Mrs. Peep, Sanford, North Carolina. See also James Fox Peep's articles in the *Charleston Daily News and Courier*, Aug. 18-19, 1869.

⁴¹*Charleston Daily Courier*, July 3, 1859.

probably from his tobacco plantation about forty miles north of Asheville, on Saturday. He was accompanied by his son Edward. On Sunday the Shatts attended the Holy Trinity Church, where the troops were present in a body, and heard a sermon by a Reverend Whittell; there is no record of the content of the sermon or of other celebration on Sunday.

By date of the Fourth "a very large number from the surrounding country, and from Georgia," had assembled at the camp ground. At 10:00 A. M., James H. Moore, a young lawyer from Millersville, under sponsorship of the Beaufort Cavalry, gave a preliminary address. Information as to what he said or how long he spoke was not recorded. At the conclusion of Moore's speech, Captain Barrett, commanding officer of the Beaufort Cavalry, introduced Shatt:

Fellow Citizens—our former Representative to Congress, from the Third Congressional District, approved, faithful, consistent, resolute and staunch in defense of the rights of the South, at all and every hazard, our former Senator, our distinguished fellow-citizen, the Hon. E. Barnwell Shatt, has gratified popular expectation by consenting to address his fellow-citizens today. The Committee of Invitation, the Hon. Barnwell Shatt and his son, are invited by the President to take seats on the stand.

The crowd greeted Shatt with "prolonged and enthusiastic" applause.¹³

There was little use for Shatt to say about sectional issues in 1897. Thus, instead of attempting to develop new lines of thought, he adapted to current conditions the same arguments he and other secessionists had advanced for many years.¹⁴ Shortly before this was his map

¹³ibid.

¹⁴The reporter's transcript of the speech delivered by Shatt was

failures to persuade South Carolina, not to mention the rest of the South, to follow his recommendations in other national affairs. He must have felt sure that this was his last chance to stress Southern action before it was too late to save the slave institution, and to win his personal vindication. However, he was highly sensitive to what the moderate and nationalists were saying at the time; he had lost too many battles to the secessionists with the South to ignore them. Typical of the attitude of the secessionists was the hope expressed by Alexander H. Stephens in a speech two days before in Augusta, Georgia:

All these great national issues . . . have been seriously and satisfactorily adjusted, without the sacrifice of any principle, or the loss of any material right. At this time, there is not a wrinkle upon the surface. The country was never in a grander state, or the people free one whit of it to the other, in a more perfect enjoyment of the blessings of peace and prosperity secured by these adjustments, for which we should feel as least grateful than proud.¹⁰

While there may not have been or based an account of the speech by Stephens, he knew well the nature of such thought. He understood, therefore, to counteract it by restating his old resistance arguments in support of a new proposition designed for the times. His central

published in 1949. The reporter admitted, however, that at one point the notes were "corrected by a puff of wind." The Charleston Daily Mercury, July 7, 1869, cited the Journal for presenting that any "editorial" would follow the right strands of truth, and carried the "editorial" text. The Journal version of the speech is the one later published in the volume Stephens. The ideas and structure of the two versions are essentially the same, but the language is quite different; the Journal text containing about 5,000 words and the Mercury about 2,000. Whether or not Stephens actually delivered the speech published in the Mercury, it is apparent that he intended the larger reading audience to have that wording. For this reason all quotations employed herein are from the Mercury.

¹⁰Augusta Daily Chronicle, July 12, 1869.

idea, which he implied throughout but did not state explicitly until the concluding paragraph of the speech, was to become the plot of the next-orator's everywhere: the South must unite to elect a sympathetic president in 1860—and succeed or perish. He expressed his

let us place before the world the rights which we claim under the Constitution. . . . Fully and fairly exposed, refuted by opposition, unopposed by opposition, with a candidate fully and fairly representing them, let us meet the contest of the next presidential election. And let us meet it with-
ly. . . . If our rights are victorious in the next presi-
dential election, we may consider it as a kind omen of a more auspicious future. If they are overthrown, let this election be the last contest between the North and South; and the long weary night of our disunion and humiliation be dis-
persed at last, by the glorious day-spring of a Southern Confederacy.

Stett supported this challenge of 1860 with four major arguments:

(1) Since the War of 1812 the North has attempted to "build up a pop-
ulated democracy for the prolongation of the North over the South" to
replace the "confederated republic" which was established to obtain "pro-
tection from foreign powers." (2) Due to the annexation of the South
for thirty years, the strength of the North has grown to the extent that
after the next election they are determined to "ruin the South." (3)
The South, through expensive late tropical diseases and resistance to
Northern merchants, and prove to the world that "order and protec-
tion are not incompatible with free institutions." (4) Further delay
in reaching agreement by the "divided and antagonistic" North will
result only in emancipation of the slaves.

In the introduction Stett identified his convictions with those
of Calver and McAffie, and complimented his old congressional district
in its support of his resistance arguments for thirty years. He did not

was fit to devote major attention to demonstrating "How false have been the expectations of peace to the South since the California Ordinance of 1850, and how completely have events justified the policy you supported to meet the crisis." He was satisfied to cite the Texas question as proof of the failure of the Ordinance of 1850 to safeguard the South. Nor did he consider it necessary to develop in steps or retarding his treatment of the nature of the general government established by the framers of the Constitution. He was content to ridicule the Northern conception of the government as a "consolidated democracy" by contending that with the precedents of the thirteen colonial governments,

Nothing was easier than to set up such a government. But it is a misapprehension that the formation of the Constitution of the United States was a much difficult enterprise. The controversies which framed it set for nothing more than once it came to a dead stand from an impossibility of agreement. Something, therefore, besides a consolidated democracy must have been required.

He thought the answer lay in the reasons for establishing the union:

The great leading motive for the union of the States under a constitution, was the fear of foreign powers. The States were too weak to stand alone. It required all their united power to achieve their independence, and this power was equally necessary to protect and secure it. If the states, in 1776, had had the wealth and population they now possess, as such constitution as that of the United States could ever have been adopted. The question was, how could we be so united as to be one people, in relation to foreign nations for self-protection and yet, in relation to one another, to separate, distinct and independent states.

After attempting to show that the North would have succeeded during

the War of 1812 except for the sudden peace--after which "the expectations which drew us together in the Union no longer existed"--North moved on to the growth of Northern domination in the government.

He cited the tariff of 1861 and the Missouri question as the first steps in Northern domination. Thomas Stephens had said in *Logansport*, "It is enough for us to take care of the over growth," North argued that "the highest statesmanship never looks to the present merely." He contended that when the Missouri question revealed the intention of the South to exclude the North from the territories:

There was a way to peace—the only way. The rights of the North and the integrity of the constitution ought to have been maintained at all hazards. The contest would have ended in one of three ways. The rights of the South would have been conceded; the constitution would have been amended; or the Union would have been dissolved. There was not at that time the least danger of the Northern people breaking up the Union for any such aggressive pretensions. They understood too well the value of the South to them in the Union.

North employed an unnamed Northern man to refute the "political teacher" who thought the slavery issue could be settled by "extension on the part of the South." He quoted Thomas Jefferson to the effect that the Missouri question was "a fire-ball in the night" that warned of a series of events which would end in the destruction of the union, and he mentioned that Wilson had "laid aside in despair of the present confusion."

After thus disposing of the past efforts at compromise, North moved to predict the future. The North hoped to gain complete control of the national government by winning the 1862 election. He summarized the overall policy of the North:

Their measures of legislative policy are increased tariffs, by which a greater tribute shall be wrung from the South for the benefit of their manufacturers; internal improvements and national railroads, by which the treasury shall be augmented, to the benefit of the North, where the public work is chiefly spent, and by which, at the same time, higher tariffs come

justified; last for the landless, by which the northern and western population shall take all the western territories and make free states of them, and by which, at the same time again, the treasury be deprived of the revenue that should result from the sales of our public lands, that higher tariff may seem further justified; whether sovereignty, with its pretensions to slave property by the legislation of Congress in our territories, and, as a consequence, to more slave States; and, finally, as declared by their acknowledged leader, the abolition of slavery itself throughout the Southern States. Such are their measures of policy, and the end these are designed to accomplish is a consolidated democracy, that is to prevail. The North is to rule the South.

In this connection, I must take a position which will constitute a significant change in his interpretation of the Constitution.³⁶ Although he had always held the Constitution sacred and had gone to great lengths to prove that secession was unconstitutional and that the policy of "consolidation" of the North was not, he argued on this occasion:

Now, my friends whether such a policy is consistent with the Constitution of the United States or not, is of no sort of consequence. If it is, then the constitution establishes a national despotism over the South. and if it is not, then the constitution is established by the North, the only power which can maintain it. The South being a democracy, is powerless to enforce the terms by legislating and if she submits to its usurpation by the North, she accepts a national despotism.

He went on to reject oppressive government of the North should offer it, contending that "liberty does not consist in the mere absence of oppression, but in the right and security to be free." He then closed the mass against further oppression.

Expressing concern about the belief over the whole world that "liberty, self-government by the people is an impossibility," that

³⁶Wells, Robert Barnwell Rhett, 156-157.

through it the solemn responsibility of the South lay

demonstrate that all the races of man are not equal, but that the Caucasian and the African may be legitimately confined to one socially-useful one slave, the other free. It is for us to prove that we of the South at least are fit for free government, by enforcing it in the future; and if this is impracticable, then by establishing it apart for ourselves.

Since it was the custom, probably of divine origin, that all civilized peoples want to expand, South concluded that "Expansion shall be the law of the South, as of the North." He was willing to leave the colder regions of America for the North; but he claimed for the South, with the Negro slave labor, "the broad expanse of the tropics on this continent . . . for thirty degrees on both sides of the Equator for our civil conquest and possession." This was one area of discussion in which the reactionaries and moderates in the South could agree.

Stephens had offered the possibility of expansion into tropical America as an opportunity to effect the spread of free culture into the territories, and suggested that Cuba offered an excellent area for such expansion. He felt ridiculed when she believed that slavery, even if not permitted to expand, would not be overthrown because it had divine sanction.

He was the basis of any blessing or imprecation being eternal except a people, in a shallow conceits in morals and a shallowness in politics. He is ignorant of the Bible. He sets aside experience and history, and builds his policy on the loose words of his own most romantic or vague sensations. . . . In the fierce struggle of this transition world, there is but one instrumentality by which is a government like ours, of conflicting interests and parties, the eternal productivity to oppression and despotism can be averted. It is not in vain appeals for justice. It is not in a vain submission to wrong. It is not in an inept argumentation, by which we call up unaided Nature herself to substantiate our rights, that our salvation can be secured. We must act. We must fight.

After pointing to various struggles for independence in Europe, Davis declared that "The people of England and Ireland, Russia and Poland, Austria and Italy, are not more distinct and antagonistic in their characteristics, passions, and institutions—their opinions and views—than the people of our Northern and Southern States." In direct disagreement with Stephens, he argued that prosperity had no relationship to the liberty of a people. While elaborating this argument, he returned to a treatment of the tariff, contending that many people were not aware that the government was taking from them "one dollar for silver and ten for another dollar." Consequently, Davis expatiated:

Is it surprising, under such circumstances, that false deities and passions should spring up everywhere to pervert our consciences? They do not reflect that our prosperity, if it did arise exclusively from the beneficent action of the general government, is no more a criterion of liberty to a people than of virtue to individuals. Brazil, and Cuba and Japan are replete of prosperity. Are they free? The best government in the world, so far as protection to the person and property are concerned between man and man, is probably the Imperial government of France. Are the French free? Liberty is justice. It can dwell neither with the oppressor nor with the reluctantly oppressed.

Finally, Davis urged that the South delay no longer in making freedom free to the North. During his two generations of enslavement he had seen the South submit to conditions which had grown steadily worse; he could see only emancipation of slaves resulting from any further delay. As he closed this appeal he tapped into his habitual stentoraphone:

Shall we wait for this blessed consummation—when the fires of insurrection will light up our homes and the North shall stand by to watch and guard the conflagration? Such things will probably never be, because the South will not admit their fearful coming but will anticipate them. When will she anticipate them and not say her redemption? When will she rightly hail her freedom in the enjoyment of her rights, safe under the

shield of her own protection; and, casting off the burden of ignorance and error and fear, which now like a foul mist sits upon her brow, rise up and demand the liberties and independence of the South?

After a condemnation of the "proud rebellion" and the "vulgar error of plantations and families" she had been asked to pour in the South by "continued submission" by the South, Webb concluded his speech with the statement of the central idea quoted above and the following peroration:

Gentlemen: William Lenoir declared in our State Convention . . . that the only spring to defend . . . was that to oppose to the last the adoption of the Constitution of the United States by South Carolina. The dignity of this patriot stands vindicated by the events which surround us. Should the public regard, after I am gone, ever reach up to his services, let it be remembered that after twenty years of earnest effort to preserve the Union, by keeping it within the limitations of the Constitution, and crossing the fatal boundary to secession, I turned at last to the salvation of my native land—the South—and in my latter years did all I could to dissolve her association with the North, and to establish for her a Southern confederacy.

Webb's highly partisan Oratorical address gave him "a burst of spontaneous cheering, which lasted many minutes" at the end of his speech. The dinner celebration which followed was replete with boasts tending his sagacity, consistency, and patriotism. Among them were

Hon. Robert Barnwell Rhine: the former . . . invincible and consistent hammer-blower of the Third Congressional District . . . they always appreciated his sterling worth and now recognize in him the ring of the true giant.

The Election of a Black Republican President in 1868—The signal for the dissolution of the Federal Union, and the establishment of a Southern Confederacy.³⁷

Frederick Douglass was chosen as the orator for the speech because it was hoped that the favorable climate would permeate throughout the South, reaching the ears of numbers of potential secessionists. Although he was speaking to a highly partisan audience in Charleston, Douglass expected his words, through the public press, to reach citizens all over South Carolina and other slave-holding states who were much less sympathetic toward his views. This not uncommon dual audience of the political speaker resulted in a speech which undertook to arouse the partisans, and to convince the doubters and dissidents of the soundness of division. Perhaps, therefore, the selection of any mention of separate state secession was as important as anything Douglass did say. He did not discuss separate secession by South Carolina, but he called for united action by all the South. He did not feel compelled, however, to say what he would recommend if secession really should prove indispensable again. Furthermore, Douglass's avoidance of specific statement of his proposition until the conclusion seems to indicate a conscious arrangement of the speech to appeal to the neutral or opposed audience.

Douglass was a hero in the opinion of Southerners; yet he considered it desirable to further establish his forthrightness, not unselfish, consistent, and statesmanlike nature. Thus, he devoted several minutes in the introduction to identifying himself with highly respected Southern leaders and to justifying his resignation from the Senate in 1851. Also, in the conclusion he made a bid for the sympathy of the audience for his thirty years' efforts in behalf of "freedom." On the other hand, there seems to have been little deliberate effort on

the part of the speaker to arouse sectional fervor in his Southern audience. The situation, audience polarization, and manner of delivery, which went without comment at the time, probably produced sectional intensity which cannot be explained now. Also, sectional responses must have been elicited by the use of such stereotypes as "Treason," "Majesty," "Insults," "bloody contest," "ruin and dishonor," "great robbery," "look for plunder," and "Time of instruction." Problems, too, abounded was aroused by the mere mention of patriots like Jefferson and Calhoun. It is noteworthy, however, that there was only the most casual mention, in the middle of the speech, of the "revolution of 1776." Might it not have been effective on the Fourth of July to have compared, as Thett had done on other less appropriate occasions, the depiction of the North over the South with the tyranny of England over the colonies?

Despite the effort and expectation, the less country enthusiasm for Thett's speech did not spread. Except for publication in the two Charleston newspapers and several small South Carolina papers, the speech was disregarded generally by the public press.³⁴ Among the scattered mention by newspapers outside of South Carolina was the comment in the New York Tribune: "The Hon. E. [sic] Sumner, North delivered a disunion speech at Charleston, S. C., on the 1st of July last. He is said to be willing to accept the seat in Congress at present held by the Hon.

³⁴Charles Daily Mercury, July 27, 28, 29, 1869, carried summaries of comments from several South Carolina papers and the "Pa. Inquirer."

L. E. Smith.³⁹ The Washington National Era, a strong union and abolitionist paper, did not mention the Smith speech but carried an account of union tourists offered at a public dinner in Columbia, on July 4, with the comment: "Mr. Smith will find that even in South Carolina there are many who will not follow his lead."⁴⁰ In November, 1859, the Clayton-Jefferson, a fledgling paper of Omaha, Nebraska, presented the text of Smith "to the people of the South for the Presidency of the United States," and published the Daniel Wallace sketch and the Gretherville speech as a pamphlet.⁴¹

Smith showed considerable success as a rhetorical writer when he wrote in his attempt at an autobiography several years later: "Ever for the speech [at Gretherville] influenced the People of the South it is of course impossible to tell; but it is certain that the policy is recommended was exactly that which they subsequently pursued in the Presidential Election and in their secession from the Union. . . ."⁴² As in almost all political and social phenomena, the causes of secession were too complex to permit isolation. It is likely that, other things

³⁹New York Daily Tribune, July 11, 1859.

⁴⁰Washington National Era, July 11, 1859. In contrast, the following carried the complete text or gave considerable space to the Alexander Stephens speech in Augusta, July 1, 1859: Idaho; New York Daily Tribune, July 6; Augusta Daily Constitution, July 6; Mobile Daily Capitalist, July 7; North Carolina Standard; Frederick, July 11. Charleston Sun Daily Mercury, July 19, carried the text of the Stephens speech and, on July 20 and Aug. 1, lengthy editorials refuting it.

⁴¹Wallace, Political Life and Services of L. Russell Smith.

⁴²L. E. Smith, "Retrospection of Political Life and Services," 20, Robert Russell Smith Papers, Charleston.

being equal, the subsequent course of the South would have been essentially the same had North never made a speech at Oakesville in 1859.

Such an interpretation, however, does not diminish the speech as insignificant. Its significance lies not in the effect it produced immediately—but in the clear statement of the real reasons for secession after more than thirty years of agitation over sectional issues. Its actual importance, as do many notable speeches, is retrospective. This speech was the first public statement by a Southern leader of reasons of the course which the South was to follow in 1860. The South did what North urged, not because he said it at Oakesville, but because a convergence of conditions led the masses of people to the conclusions which North had held for many years. Perhaps these conclusions were more quickly articulated because of the speech. No doubt North assumed more importance in history for having presented his region in thought. Significantly, Edward Churching commented that North's "remarkable" Oakesville speech "might well be read by all persons interested in the subject" of the Civil War.¹³

¹³Edward Churching, The War for Southern Independence (New York, 1941), 279.

CHAPTER I

"ROCK OF TANEY"

In an address at Columbia on July 3, 1859, William Linnell Taneey followed up Sumner's Charleston Speech with a specific plan for the Charleston Democratic Endorsing Convention. Expressing no hope of preserving the union, Taneey differed from Sumner only in proposing that state rights men should go to Charleston. If the convention denied their rights, they should withdraw and nominate their own candidate. If a Republican president should be elected, the South should secede from the union before his inauguration. If the South could win endorsement of its platform or elect its candidate, an attempt should be made to obtain repeal of all federal anti-slavery legislation. If that should fail, the South should secede. Taneey urged leadership of the secession movement on South Carolina: "It will not do for South Carolina to think that she may not lead the stream."¹

Since Sumner and Taneey could not agree on the desirability of participating in the national convention, there seemed to be little hope of a unified Southern program. Throughout the summer of 1859 there

¹Charleston Daily Mercury, July 14, 1859. In Sumner's South, the Mercury, July 11, 1859, printed a notice and W. B. Smith, Jr., wrote at the bottom of the page of a copy now in the Charleston Library Society: "The Editor of the Mercury had a letter from Mr. Taneey to Sen. S. B. Smith, in which he stated that he was a follower of him and took his policy and course from him and from the Mercury. This letter was burned at Columbia with private papers, Feb., '65."

was confusion and disagreement among state rights leaders all over the South. Again there was talk of a new state rights party, but with little response.² Actually, the trend generally in the South seemed to be conservative. In almost all instances the 1892 elections in slaveholding states gave victories to nationalist or cooperationist candidates.³ Thacker's fears were justified that the same fate awaited the secessionist movement as in 1860, but he was not ready to admit defeat. In October 13, the Examiner spelled out a six-point program. Echoing much of the Tinsley proposals, Thacker indicated that he was willing to yield no recognition of the Charleston convention. The legislature should draw up a declaration of Southern rights. If the Charleston convention and James were defeated and its candidate should win, the South would be safe. If the convention would not approve the platform, the South should withdraw and nominate a candidate who would. If the Southern candidate should lose the 1892 election, the legislature should recall the state's members of Congress and invite the cooperation of other Southern states.⁴

Apparently looking to a separate Southern convention, the Flamingo made its nomination of Thacker and G. G. Clay, Jr., of Alabama as a Southern presidential ticket. The editor, G. W. Doyle, justified his choice: "Mr. Thacker has no equal, as a man devoted to the South. . . ."

² Id., July-Aug., 1892; Southern Daily Statesman, July-Aug., 1892; Atlanta Daily Weekly South American, July 15, 1892.

³ Id., South of Southern Nationalism, 103-104.

⁴ Charleston Daily Mercury, Oct. 13, 1892. Palmer, Life and Times of William Lawrence Palmer, II, 116n, believed that "Mr. Tinsley wrote to Mr. Thacker requesting him to prepare and publish in the Charleston Examiner, the outline of a Southern policy."

He is a great man, and worthy an elevation to the Presidency.³ The Examiner defended the parties as presentists, but thought that because of Republican Victorian in the North the idea was not far-fetched.⁴

On the same day that it recognized the Harborside announcement, the Examiner carried such more sensational and provocative news. It announced John Brown's raid at Harper's Ferry three days previously, that Clark and Tenny would not do with work in North Carolina John Brown did with rifles and pikes in Virginia. Radical and conservative alike rallied to the cause. "Talk of Secession became general."⁵ Then the North Carolina legislature convened in November, Governor Clark said in his annual message:

Harper's Ferry is the terrible illustration of the first act of the drama to be performed on a Southern theatre, and if the South does not rise with her defence, we will witness the execution of posterity, and the blood that has been shed will bear a disgraceful and humiliating record against us.⁶

The legislature, being dominated by former unionist and non-secessionist members, was not yet ready to endorse a radical North program. Therefore, resolutions proposed by C. B. Swain, a unionist, were adopted by the legislature. The resolutions recognized the right of secession, but did nothing more drastic than recommend a Southern convention to discuss the new threats to the South. Swain

³ Charleston Daily Mercury, Oct. 29, 1859.

⁴ Green, South of Slavery, Wilmington, 1871; Charleston Daily Mercury, Oct. 19-Nov. 7, 1859; Henry T. Spence, The Secession Movement in Virginia, 1860-1862 (Richmond, 1921), 80-82.

⁵ Quoted by Henry T. Spence, The Life and Times of C. B. Swain (Richmond, 1871), 238.

was dispatched to obtain Virginia's support for the proposal, but other states showed no interest in joining South Carolina and Virginia.⁸

Delegates to the state Democratic convention, like members of the legislature, were profoundly nationalistic. Thus, the South program was disrupted in preparation for the national convention and an unimpaired delegation was sent to Charleston.⁹ When the Charleston Convention opened on April 23, 1860, Tharlt was not a delegate, but he recorded in his sketches of an autobiographer that he was present as "an active lobbyist."¹⁰ He claimed that during the convention he said to John Richardson of Illinois: "Give us an endorsement of the decision of the Supreme Court of the United States in the Dred [sic] Scott case and we will give you the whole South for Mr. Douglas; but fail to do this and the South leaves you--the Democratic Party will be divided and Mr. Douglas defeated."¹¹ Although Tharlt could not speak on the floor of the convention, Timony was there to plant the seeds of the states

⁸Ibid., 81-82; Charleston Daily Mercury, Dec. 1-28, 1859; White, Robert Russell Tharlt, 136-364.

⁹Charleston Daily Mercury, April 13, 1860.

¹⁰Tharlt, "Autobiography of Political Life and Services," explained: "He had never entered any such convention. He deemed them all not only against the spirit of the Constitution but directly designed to defeat its operations in the Government it constituted between the larger and the smaller states Violating the Constitution purposing in all policies Mr. Tharlt had never entered any of those voluntary associations designed to control its operations. . . ."

¹¹Ibid. Green, Speech of Southern Nationalism, 236, remarks in part on the making for the convention: "From a national Democratic convention in town for only a few days might expect to feel the mighty impact of old Charleston. Anna C. Gilmore was asleep in Mr. Kelly's chamber, but Robert Russell Tharlt still walked her streets."

who had a "wide-spread and deep-seated conviction" that they were "united in the Union."¹² When it became clear after six days of wrangling that the South could neither win a favorable platform nor prevent the nomination of Douglas, the Alabama delegates marched out of the convention. Joined by the majority of delegates from Mississippi, Louisiana, South Carolina, Florida, and Texas, and a few from Virginia, Georgia, Delaware, Missouri, and Arkansas, they set up a "Constitutional Democratic Convention" in a neighboring hall.¹³ When the seceded group learned of the adjournment of the convention proper to meet in Baltimore, June 18, they also adjourned to meet in Richmond simultaneously with the Baltimore meeting.¹⁴

The disruption of the convention demonstrated considerable likelihood of support for secession from states other than South Carolina. Thus, South gained in popularity among those who had feared separate state secession. In an attempt for party unity, South was met a candidate from Charleston. Nevertheless, he was elected from St. John's Colleton Parish to head the delegates to the new state Democratic convention to discuss delegates to Richmond. In fact, South supporters,

¹²For details of the Charleston Convention see Sam Houston Johnson, "A Description and Analysis of the Speaking in the Democratic National Convention of 1860," unpublished doctoral dissertation, University of Iowa, 1963; and Lewis L. Ford, *The Role of William L. Gannett in the Southern Movement* (Chapel Hill, 1967), 170ff. Lewis L. Ford, *The Southern Movement, 1860-1865* (New York, 1964), 35-41, gives a concise description of all the 1860 seceding conventions. *Charleston Daily Mercury*, April 24-May 1, 1860; *Charleston Daily Courier*, April 24-May 1, 1860.

¹³*Charleston Daily Mercury*, May 2, 1860.

the convention, but that frequent mention of his name during the proceedings made it necessary for him to do so. He pointed out that he had not aimed to be a delegate to the state convention but had been elected without his knowledge by a part of his former congressional district. Mention of his years in Congress brought him to a statement of his position: "I despaired fifteen years ago of saving the Constitution, and the time is established, from the grasp of Northern ambition, factionism and ambition. For this reason I am a disunionist—a disunionist from despair." The body of the speech was a repetition of the history of the conflict between the North and the South, essentially as he had outlined it in the Ordinance speech. In concluding, Keith attempted to dispel the fear of the moderate groups that he would endanger the position of the state by "rash counsel":

The future is not in our power. Our business is with the present. Let us go to Richmond with all the conciliation consistent with the policy of the State, abstaining from any measures which shall interfere with the general tone of opinion which we shall find prevailing in the South. Be all we can to lift up, but not to lead. And if we finally fail, and the Black Republican group the power of the Federal Government, let us stand up as we are, in the vindication of our rights, and endure them in the future, or succumb then without it. For myself, whether in the walks [sic] of private life, or in a public capacity, whenever the oppressions and honor of South Carolina is [sic] before me for vindictive—no matter how black the tongue, around speed will not, I think, be far from me, but still seek your side, and if you fall, fall with you at the last.¹⁰

With this promise on his lips, Keith went with a reconciliationist

¹⁰ Charleston Daily Courier, June 4, 1866.

delegation to Richmond. Dissatisfied with his restrictions of the possibility of participation in national conventions, he kept the South Carolina delegation, along with part of the Alabama delegation, in Richmond while the delegates from other Southern states went on to Baltimore in an attempt to patch up the breach with the national party. Again it became evident that the South could not win the desired cooperation from the Douglas Democrats. Delegates from the Lower South who had gone on to Baltimore rejoined Sumter and his group in Richmond. Baltimore delegates from Virginia, North Carolina, Tennessee, Arkansas, Missouri, Kentucky, Maryland, California, and Oregon formed a separate convention in Baltimore, and nominated John C. Breckinridge of Kentucky and Joseph Lane of Oregon. They adopted the Southern platform which had been introduced at Charleston. It declared that neither Congress nor a territorial legislature could interfere with slave property in a territory, and that Congress was obligated to protect such property. As had been expected, the thirteen full delegations and fragments of others who remained in the regular Democratic Convention nominated Douglas for president and the national committee chose Hannibal Adams of Georgia for vice-president. Thus, there was added to an already confused political picture as the National convention ratified the Breckinridge ticket.

Members of the Whig Party and the "Free-Nothing" groups had already made the party unstable even more complicated by the formation of the Constitutional Union Party. Meeting in Baltimore in May, the new party nominated John Bell of Tennessee and Edward Everett of

Democratize. A few days later the Republican party, in convention in Chicago, renounced Lincoln and branded Radin of Maine.¹⁷

In head of the South Carolina delegation at Richmond, Fortt returned to address a Democratic meeting in Charleston on July 7, which met to ratify the nomination of Breckinridge and Lane. According to a reporter's transcription of the speech, Fortt, after mentioning in the opening that he had not spoken to a Charleston audience for eight years, moved quickly to the "irrepressible conflict" between the North and the South. He quoted a conversation he had with a New England delegate during the Charleston Convention to the effect that the Democratic Party, if it plucked to the Southern cause, would not carry a single district in the North. Going into the history of the conflict, Fortt traced it back to the constitutional convention; he quoted Madison on the general nature of the Constitution, which was intended to be used mainly during time of war. Fortt expressed his belief in plain talk: "Say to the Northern people, gentlemen, we must have that Constitution or we perish. If you say that to the Northern people, I do not believe Lincoln and Radin will be successful, and you will be saved the

¹⁷ *Wheeler, American Political Parties*, 298-300; *Drum, Speech of Southern Nationalism*, 287-288; *Charleston Daily Mercury*, June 18, 1860, 1860; *Edward Palmer, A History of the President* (Boston, 1864), 273-274. When Sumner's South Carolina platform of Lincoln and Radin the Charleston *Daily Mercury*, June 7, 1860, editorialized on how Sumner's "leading" Lincoln was not appreciated, "though after him, what chance will our would be President." The editor considered the Republican candidate "very ugly creatures both--one being evidently endowed with the soul of a tyrant--the other of a tyrannist."

disgrace of having a negro presiding over you,"¹⁰ Significantly, he went on to mention the prospect of "harmony and peace" if Breckinridge and Lane should be elected. But it was evident, despite his attempts to placate those who were apprehensive of his motives, that Sumner's real preference was for a hopelessly victory and execution.

Let us all unite with the banner flanking over us inscribed "Union, Equality of the South in the Union or Independence out of it." That is the flag under which we are now to fight, and with that flag in our grasp, with the shield of the Constitution, that bright lance never impaired by Slavery Rights, let us live and fight and the issue. If we are successful, there is a trust at least of happy and better days. If we are unsuccessful, what then? South Carolinians! what then? Will you allow a sectional [national] party, whose creed is hatred to the South, the only element of the antagonism now to begethly to revolution--will you allow those men to rule over you, to degrade you from your position as equals in the confederacy? If so, forget Fort Sumter, forget Dallas, for their memory will be only a burning weight in your hearts, and will cause the mantle of shame to be draped over your children.

I am very sorry of seeing the South pass resolutions. I am sick at heart of vain attempts to hold out the olive branch, when we should grasp the sword.

Still, I will say no more. I leave the question with you to consider whether as freemen, whether as descendants of the men of '76, who formed the Constitution, whether as descendants of the men who so long and pertinaciously in Convention, fought for what seemed the shadow of a right to the South, who threatened us Union--whether or not you will yield, whether or not you will be content to live in a government in which you are no longer equals, but subjected vassals.¹¹

The relatively calm tone of this speech was taken by the other leaders of the state to be an attempt by Sumner to restore himself

¹⁰ Sumner apparently referred to a rumor that Lincoln was a abolitionist.

¹¹ Charleston Daily Courier, July 11, 1860.

to flee in the state. He was persuaded, therefore, to refrain from personal activity in the presidential campaign and to restrain the Harper until after the election. Apparently confident of the outcome, he never wavered to watch the result of the election.²⁰ At the same time, South Carolina was almost unanimous in support of Breckinridge and Lane. Furthermore, despite a growing fear of isolating the state, there was almost equal unanimity in support of secession in case of a Republican victory. The two Senators, Sumner and Chase, were wisely silent; but the Congressmen, one by one, announced themselves for division. One said it clear that he believed the South could save the Union with secession for Breckinridge by remaining in the Charleston Convention, but he would offer no alternative to secession if Lincoln were elected.²¹

Although the Harper rejected any effort to secure a Southern convention to consider unified action, Scott attempted to make it clear that he had never asked "South Carolina to be a sovereignly separated from the other Southern States." He thought it necessary that South Carolina should lead the way, but could not envision it possible that the other Slave holding States, when once the Union is broken, will not rally together to save their institutions from abolition rule at Washington.²²

²⁰ Charleston Daily Mercury, Monday, 1860, White, Robert Barry and Scott, 100.

²¹ See Francis Pickens, The Election of American President (New York, 1860), 294-295; Walker, History of South Carolina, III, 321.

²² S. S. Scott to S. V. Sumner, Oct. 26, 1860, Scott Papers (Charleston).

By the time the South Carolina legislature convened in special session on November 5 to choose presidential electors, the election of Lincoln was assured. The body promptly elected a state of freetraders and held elections and proceeded to discuss resolutions for a state convention to secede. Two days later the Mercury declared the election of Lincoln to be certain. Edward Raffin, who had taken up abode at the Charleston Hotel, urged in response to seceding words that, although his state was not yet ready for secession, South Carolina would not remain alone long if she should lead the way.¹⁵

There was strong support in the South Carolina legislature for postponing a state convention until January, when other states would have had an opportunity to indicate whether they would act with South Carolina. South went to Columbia to push his program, and, incidentally, his candidacy for governor. According to Stahole, "South's nervous

¹⁵ Charleston Daily Mercury, Nov. 7, 8, 17, 1866. The complete election returns confirmed the apprehensions in South Carolina. Attempts at fusion among the anti-Lincoln parties in various states had failed to give the tide. With all of the thirty-three votes except South Carolina choosing electors by popular vote, Lincoln failed to win a popular majority; but he had 162 of 363 electoral votes. Freetraders carried eleven Southern and border states by slankle majorities, winning 73 electoral votes. Bell was only Kentucky, Tennessee, and Virginia, with small margins over Breckinridge, totaling 39 electoral votes. Douglas, though to run a close second to Lincoln in total popular votes, got only 12 electoral votes; and from Missouri, where he was by less than 500 votes over Bell, and 3 from New Jersey, where attempts at fusion resulted in a split with 2 votes going to Lincoln. Stannard, History of the Presidency, 197; Stahole, Migration of American Democracy, 193, 194. Stahole later commented in his "Definition of National Life and Services" that Douglas "would have easily been triumphant if the requirements of the South had been conceded."

energy was as active as his sunken face was red.²⁴ While it was evident that the bill introduced in the House of Representatives by Robert Barnwell Rhett, Jr., for a Southern convention would not pass, Rhett would have his way in getting an early convention. On November 10, a bill passed both houses unanimously setting the dates for the election of delegates on December 4 and the convention on December 17.²⁵ Rhett claimed that he took the initiative in having telegraphic dispatches sent to influential persons in Charleston. Subsequently, a mass meeting was called there which adopted resolutions urging the Charleston legislative delegation to support an early date for the convention.²⁶ Also of importance in carrying the convention bill was the news that Robert Toombs had resigned from the United States Senate and that the Governor of Georgia had recommended calling a convention of that state immediately.²⁷

A minister who had just returned from Europe recorded his impression of public opinion in South Carolina:

I arrived in Columbia, on Saturday preceding the first Monday in December--when the Legislature was to meet for the purpose of electing or choosing Masters of Forelock and Vice President. The town was filled with an excited populace

²⁴Stowe, *Biography of American Democracy*, VII. Rhett suffered for many years from a stroke which began as a "palsy" on his nose. Ferry, *Legislatures of Public Men*, 128.

²⁵*Charleston Daily Mercury*, Nov. 8-12, 1860; Rhett, *Robert Barnwell Rhett*, 177-180.

²⁶Rhett, "Continuation of Political Life and Services."

²⁷Charles Edward Smith, *South Carolina Goes to War, 1860-1865* (Oxford Hill, 1953), 53-63.

and it was very evident that was the tone of public sentiment in Mr. Orr. Instant and unqualified separation from the Union, in the event of Lincoln's success was the language of almost every tongue. A few cautious and conservative men, ventured to suggest the necessity of giving the secession of Georgia and Alabama, but these protest are were overruled by the increasing cry of Immediate Secession.

This speaker recorded having spoken to many of his up country friends in the legislature about the dangers of secession, but could find only four who would listen to his suggestions. He even declared "that secession had usurped the throne of reason in the minds of men, and that any opposition to the popular will was more than useless." While the legislature was in session, he attended a public gathering in Columbia where several lectures were spoken, and recorded what seems to be the only correct account of Davis's speech on that occasion:

I will remember the language of Mr. J. B. Matthews as he delivered his address that secession was a quiet and easy remedy for an intolerable tyranny. That there was not the slightest danger of driving the Union into a flight. That they were a peaceable people, and that they were too good to be driven from the South by going to war, for the preservation of the Union. That they would not fight, and were only filled by nature and education to manufacture wooden soldiers and paper's cannon balls and that the only weapons we would need in a war with them would be our rifles and our ships.

Another speaker seems to have been the only speaker at the meeting who counselled moderation. "But it was evident to me that he was with the majority, and had not touched the popular nerve, in suggesting any objection to the triumphant course of secession--as a remedy for all our political ills."²⁸

²⁸McCartney's Journal, I, 547.

When the delegates returned from the legislature to the flag-bedecked streets of Charleston, a public meeting was held, on November 12, to further excite public opinion. After some introductory remarks, "there were loud calls for Robert Barnwell Rhett. As that gentleman came forward the whole assemblage rose up, waved their hats and gave three hearty cheers for Barnwell Rhett. . . ."²⁷ The Charleston Courier, though it went along with the wave of public opinion in enthusiastic support of secession, still preferred the former unionists and moderate to an original disunionist. Nevertheless, on this occasion, the Courier reported that Rhett "was received with unreserved demonstrations of approval and applause. He gave a concise and graphic sketch of the political relationship between the North and South under the Union, and virtually disclaimed."²⁸

The Express summarized Rhett's speech:

There were two reasons, he thought, why they could never hope to live in a Union with the Northern people. The first, that the Federal had no respect for the slavery and the second, that they were totally ignorant of the Constitution. Their idea of a Free Government was that if thirteen men lived together, the seven have a right to rule the six. Mr. Rhett closed by a glowing picture of the future of the South, now Confederate.²⁹

In the text of the speech prepared for publication, as well as in the reporter's summary, Rhett disclaimed the pretense of any hope of reconciling the union. After tracing the history of the North-South

²⁷Charleston Daily Mercury, Nov. 12, 1860.

²⁸Charleston Daily Courier, Nov. 12, 1860.

²⁹Charleston Daily Mercury, Nov. 12, 1860.

conflict through the Klan and Southern laws, the War of 1861, the protective tariffs, and the slavery controversy, he called the election of Lincoln "the last contest between the North and the South. . . ." The union which had long been dissolved in "anarchy and spirit" was now to be dissolved in "force and fact." Thus, moving to his constructive program for the South, he concluded that "the dissolution of the Union will by no means be the expiation of our delinquency. . . ." He advocated for South Carolina a three-point program:

The Southern Confederacy ought to be a slaveholding Confederacy. . . . The next point we should insist on is that the power of taxation should be limited. . . . And the third condition which South Carolina should require is, that the North and Fortresses in our bay should never again be surrendered to any power on earth. . . .

In supporting each of the three planks of his platform in detail, Davis repeated his assertion repeatedly that the "Union is dissolved." He expressed no regrets that the union, which he had so frequently claimed to have supported, was gone. In the stead he offered a vision of the future:

We leave it, as our forefathers left their union with Great Britain, after a succession of conferences, which they would have scorned, and armed like them, with the mighty consciousness of right, more powerful than armies with banners. The long weary night of our humiliation, oppression and danger is passing away, and the glorious dawn of a Southern Confederacy breaks on our view. With the blessing of God, we will soon be a great people—happy, prosperous, and free.³²

Davis became the hero of secession in Charleston—where he had

³² *Charleston Daily Mercury*, Nov. 22, 1860. Apparently from this speech came a rumor recorded by E. Burton Brainer, *The Confederate States of America, 1861-1865* (States Rights, 1960), 12-13. "Robert Lee-Will Smith in 1860 he had remarked in a Charleston lecture that he would not the belief of all people state in a war following convention. . . ."

never been popular. Business establishment tried to exclude one another in the originality and elaborateness of the flags they flew from their buildings. Many of them carried notices from Davis's speeches.¹³ A reporter for a Northern newspaper said of the public reaction for Davis: "This is his hour of triumph, and the triumph is more properly and peculiarly his than any other man now living."¹⁴

Nevertheless, South Carolina was not ready to accept personal leadership of the state in the "father of secession." Facing his chances on a trip to Memphis to lobby with the legislature there for support of the Southern secession to be led by South Carolina, Davis's ambitions were jolted by new defeats. Throughout the state there was little evidence of reaction against the secession movement. In Charleston, however, where Davis's camp headed all the early victories, his enemies proved too many and his reputation as an schemer too wide-spread. There was no lack of secession, but there was a combined effort among the former unionist-nationalist-cooperationist forces to defeat Davis as a delegate to the state convention. As a result, he was seventh in number of votes among twenty-two delegates elected from Charleston. Doubtless the Davis campaign for the primary to elect only unionists of the old separate state action school had alienated any influence in Charleston.¹⁵

¹³ Charleston Daily Courier, Dec. 18-17, 1860; Charleston Daily Mercury, Nov. 18-20, 1860.

¹⁴ New York Evening Post, Dec. 13, 1860.

¹⁵ Davis, "Reconstruction of Political Life and Government", Quincy,

A few days after the election of delegates to the state convention, the Legislature, which had convened in regular session late in November, began voting for Governor. On the first ballot, Smith was elected, with only thirty-one votes. Francis Pickens, a millifier and railroad magnate who had recently been a national Democrat, and B. J. Johnson, a former unionist, led with fifty-two votes each. After the fifth ballot, when Smith was able to increase his support only to thirty-four votes, he withdrew. Two ballots later, with support from the Smith faction, Pickens was elected.²⁸

Emerging from two personal defeats, Smith did not yield to public opinion as he had done in 1858. The time had come for which he had labored and dreamed: South Carolina was to secede. Accordingly, he was determined to have a hand in the destiny of the Southern Confederacy. On December 15, he called on the British Consul in Charleston in an attempt to lay the foundation for a profitable friendship between England and the new government, which Smith indicated was certain to be formed within sixty days. In his report on the conversation, the Consul sketched the high points in Smith's career. After mentioning Smith's resignation from the Senate in 1857, the report conjectured:

But, however, he enjoys the triumph of seeing the entire South a convert to his doctrine, and his influence in, at this moment, very great! I am inclined to think that he desires the appointment of Commissioner to England from the new State

²⁸South Carolina News to Day, 42-43; Charleston Daily Mercury, Dec. 12-20, Dec. 1-8, 1862.

²⁹Charleston Daily Mercury, Dec. 12-15, 1862.

or Confederacy that is to be.³⁷

Two days later, when the state convention met in Columbia,³⁸ there was again an attempt to pay homage to South by making him president of the convention. There is an indication, however, that he wanted the position; he received only five votes on the first ballot, and so the fourth R. F. Johnson was elected.³⁹ South had a better idea for perpetuating his name as the "father of secession." After the convention adopted a resolution to accept and selected a committee--including South--to draft the resolutions of secession, South moved that a committee be appointed to prepare an address to the people of the Southern states. His resolution was adopted and he was made chairman of the committee. At the same time G. D. Henderson was made chairman of a committee to draft a summary of the causes of secession.⁴⁰

Apparently the chairman wrote their respective documents. Henderson's report, influenced by his recent conversion to secession, emphasized the election of Lincoln with the associated anti-slavery side of the North as the causes of secession.⁴¹ On the other hand, South's "Address of the People of South Carolina, Issued in

³⁷Robert South to Lord John Russell, Dec. 15, 1860, The American Historical Society, XVII (1894-95), 78-79.

³⁸The convention moved to Charleston after one day because of a epidemic epidemic in Columbia. Furthermore, Charleston had better climate--especially for secession.

³⁹Charleston Daily Mercury, Dec. 18, 1860.

⁴⁰Journal of the Convention of the People of South Carolina, 1860-1861 (Columbia, 1867), II.

⁴¹Id., 463-464.

Convention, to the People of the Slaveholding States of the United States" traced the history of the "irrepressible conflict" in similar fashion to the Crittenden speech. With new fire on this occasion, as he had not at Crittenden, he pointed out that "the Southern States now stand exactly in the same position towards the Northern States that the Colonies did towards Great Britain." In fact, he extended the analogy throughout his treatment of the tariff and the internal improvements aspects of the North-South conflict. He treated the election of Lincoln as only the final stage of a long process of overture of the Constitution by the North. He closed with an appeal to other slaveholding states to join South Carolina in declaring their independence.¹²

After an abortive attempt to defeat Sumter's address, the two reports were reconciled by changing the title of Sumner's to "Declaration of the Immediate Causes Which Induce and Justify the Separation of South Carolina from the Federal Union." The convention ordered fifteen thousand copies of both addresses printed.¹³

On December 20, 1860, the Ordinance of Secession, which Sumter had helped prepare,¹⁴ was unanimously adopted by the 157 delegates of the convention. It declared simply:

We, the people of the State of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the Ordinance adopted by us in Convention,

¹²Ibid., 407-416.

¹³Ibid., 51, 74-75, 88.

¹⁴See Sumner, South Carolina Days to Day, 72, for details of contributions of various persons to the Ordinance.

on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also, all laws and parts of laws of the General Assembly of this State, ratifying amendments of the said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of "The United States of America," is hereby dissolved.⁴⁵

Within five minutes after passage, the Charleston Mercury had an edition on the streets with the text of the Ordinance. Clark apparently had supplied a copy to his newspaper before its adoption by the convention.⁴⁶

Clark's dream was realized: the union was dissolved. In Charleston business was suspended; bells tolled; whistles were fired; bands played; people ran through the streets shouting. Three thousand people witnessed the signing of the Ordinance by the delegates at an evening session of the convention at Institute Hall in the presence of the Governor and a joint meeting of the legislature, which had adjourned to Charleston on the day the convention opened. Then the drums were read, shouting "March the very building, reverberating, long-continued, rose to heaven, and ceased only with the loss of breath."⁴⁷ In Washington, upon receipt of a message sent by telegraph from the seceding convention, South Carolina's Congressional delegation immediately resigned. The legislature declared "a day of fasting, humiliation, and

⁴⁵Journal of South Carolina Convention, 1860-1862, II.

⁴⁶Clark, South Carolina Goes to War, 71. See John R. Winkler and John W. Ward, Secession 1860-1862, 18-19n. (New York, 1964), III, 84, for a description of the Charleston Mercury edition.

⁴⁷Charleston Daily Mercury, Dec. 21, 1860.

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On the same day that the convention adopted the Ordinance of Secession, Davis introduced a resolution for a committee to draft an ordinance inviting other Southern states to a convention for the purpose of forming a government. A few days later he reported from a committee appointed to consider his resolution an ordinance providing for such a conference in Montgomery, Alabama, on February 13, 1862. The convention did not adopt Davis's proposal, but the final result was essentially the same. The body decided to elect commissioners to other states which had called conventions; the commissioners chosen agreed to propose a convention to meet in Montgomery on February 4. The South Carolina convention also decided to propose a provisional constitution to serve the new confederacy until a permanent government could be established. Davis proposed a convention of states which would get immediately about the business of setting up a permanent government; there was too much danger of a provisional government yielding to attempts at compromise and reconstruction of the union. Although his platform for the confederacy was not adopted without modification, the convention backed Davis's leadership. Then it started delegates to Montgomery, Davis led the ballot with sixty-two votes. Others elected were: R. W. Barnwell, A. S. Chandler, T. P. Hill, James Chesnut, Jr., L. R. Keith, T. J. Pickens, and T. R. Bryan—all ex-secessionists.

¹²⁸Arthur, South Carolina from 1776 to 1876, 78.

except North and South.⁴⁹

This period in North's career, according to White, "must have been the heyday of a life-time singularly marked by disappointment and unpopularity."⁵⁰ Not only in North Carolina was his prestige at a nadir in 1861; there was considerable national interest in the man who had won his way to the South after having been ridiculed on the floor of Congress and in both the abolitionist and conservative newspapers for many years as "silence," "treacher," and "fire-eater." Furthermore, North had been repeatedly rejected by his own state. Yet in his "hour of triumph" there was widespread interest in the man who had been ridiculed by his opponents for years as an extraneous without influence. The New York Evening Post described his appearance--to the detail of the "eccentricities played" which were usually covered by a white jacket on his coat. It characterized him as "a mix of a few words, but what he says is apt to be to the purpose."⁵¹ The New York Frank Leslie's Illustrated published a large photograph and life sketch of North which occupied about two-thirds of a page. The writer of the sketch took particular interest in the appearance and speaking style of "the great oratorian-ist."⁵² The London Illustrated Times published North's picture to the

⁴⁹White, Robert Samuel North, 180-181's Journal of North Carolina Association, 1860-1861, North, "Constitution of Political Life and Services," Journal, North Carolina News in May, 18-25.

⁵⁰White, Robert Samuel North, 181.

⁵¹New York Evening Post, Dec. 11, 61, 1860.

⁵²New York Frank Leslie's Illustrated Newspaper, Feb. 7, 1861.

was known that carried Lincoln's subject.⁵³

Webster confessed that his consistent exposure of the cause of secession had not only proved his right but also a great leader, that expected the South to recognize his ability and character as a statesman. Thirty years of indulgence in the rhetoric of resistance, which had won him the epithet of "fire-eater," had also won him the title of "father of secession." He now stood ready to accept whatever additional responsibilities the new confederacy should require of him.

⁵³London Illustrated Times, Mar 25, 1861.

CHAPTER 12

STATUS OF THE CONFEDERACY: 1862-1865

Other Southern states quickly followed South Carolina in secession—just as Stuart had predicted for many years. Mississippi, Alabama, Florida, Georgia, and Louisiana adopted their ordinances in time to have delegates at the opening session of the Southern states in Montgomery on February 4, 1862.¹ Texas joined the Confederacy on March 1, and Virginia, Tennessee, North Carolina, and Arkansas were admitted in May.² These four border states had held out until attempts at compromise by Crittenden and Douglas and the Virginia Peace Conference failed to win significant concessions from either the secessionist Party or the seceding states.³

The delegates from the six states assembled in Montgomery, though scarcely able to conceal their interest in the efforts at compromise, did not doubt the outcome. Obedient to Stuart's desires, the group followed South Carolina's recommendation for a provisional government. Henderson introduced the motion for a provisional constitution and his own chairman of the committee of twelve which drafted it. Likewise, Stuart moved that a committee of two from each state be nominated by

¹Journal of the Congress of the Confederate States of America, I, 73 drawn, South of Southern Nationalities, 383-384.

²Journal of Congress of Confederate States, I, 77, 125, 126, 126.

³Idem, South of Southern Nationalities, 378-386.

their respective delegations to form a permanent constitution. When his motion was adopted on February 7, immediately after adoption of the provisional constitution and election of a provisional president and vice-president, Smith was made chairman of the committee.⁴

Although it was believed that "the first-where you are wanted Howell Davis" for the presidency,⁵ there was no overt move to elect him. Nor is it likely that there could have been, since the rest of the South Carolina delegation had never been particularly friendly toward him, and his friend Tinsley was not a member of the Provisional Congress. Smith recorded that most of the South Carolina delegates "declined to support" Jefferson Davis but were persuaded to do so by E. V. Howell, "directing in his behalf."⁶

Even the unanimous election of Davis, after Georgia withdrew the nomination of Howell Davis, a committee was appointed to notify Davis of his selection. Smith was a member of that committee, as well as one to "make arrangements for the reception and inauguration of the President-elect."⁷ He was made chairman of the inaugural committee, and in that capacity made a speech introducing Davis to the Congress at the inauguration ceremonies on February 18, 1862. Apparently the

⁴Journal of Congress of Confederate States, 1, 31, 35-41.

⁵See Isaac Williams (ed.), A History From State to State (New York: Overton, 1867), 3. Robert V. MURPHY, Jefferson Davis and His Cabinet (New York: Long, 1941), 10, states Smith and Tinsley "were opposed to the office."

⁶Smith, "Continuation of Political Life and Services," 8.

⁷Journal of Congress of Confederate States, 1, 40, 35-41.

text of Sumit's speech of introduction was not preserved. In fact, the Harvard in the account of the proceedings connected only "upon the arrival of the President elect, he was escorted to the chamber, by Mr. Sumit, and introduced to the Congress, which immediately adjourned to the parlors, where the President delivered his inaugural. . . .⁸ The contemporary correspondent for the Harvard, writing under the pseudonym "Gardner," reported that "Mr. Davis was then introduced by Mr. Sumit in a short and graceful speech." Sumit said of the speech later:

In presenting him to the Convention, he [Sumit] made a short speech expressive of his high confidence in Mr. Davis and in the wisdom of the Convention in selecting him to lead the country of the Confederacy in establishing amongst the nations of the earth, a great and free people, worthy the blessings of Free Government.⁹

E. S. Sumit, Jr., although recording more in detail for his father's writings concerning Davis, said only of the speech of introduction "This office he performed in complimentary style, reflecting the wide note of Mr. Summell rather than his own views."¹⁰ Another contemporary writer considered Sumit's introduction of Davis a "spirited and eloquent address. . . ."¹¹

Nevertheless, Sumit recorded that "eleven days after this interesting passage . . . [he] had reason to fear that his energy and

⁸Quotation Public Magazine, Feb. 21, 1862.

⁹Sumit, "Description of Political Life and Customs," 3.

¹⁰E. S. Sumit, Jr., "The Confederate Government at Montgomery," E. S. Sumner and G. O. Felt (eds.), Speeches and Lectures of the Civil War, 3 vols. (New York, 1864-1865), I, Part I, 100-101.

¹¹Ibid., Life of William Lawrence Sumit, II, 387.

role for Mr. Davis constituted the greatest success of his life.¹² He credited these approbations to the passage through the Congress of a bill to provide President Davis with a house, although the Provisional Constitution provided that the President should not receive "any other emolument" from the government than his annual salary of twenty-five thousand dollars.¹³ There were indications, however, that Davis's distrust of the administration was due as much to personal reasons as to his customary hostility upon following the letter of the Constitution.

In February 13, after adoption of the Provisional Constitution and further organization of the Provisional Congress, Davis was appointed chairman of the Committee on Foreign Affairs.¹⁴ Evidently he believed that this assignment would enable him to have a strong hand in policy formation of the new government. Too, that chairmanship could serve as a springboard into the cabinet as Secretary of State. In line with his earlier conversation with the British Consul, Davis promptly reported a bill for a commission to Europe to negotiate friendly relations. The motion was adopted, and after the inauguration, the Provisional Congress approved the appointment of Tammey and F. A. East of Louisiana.¹⁵ Davis concluded that the commissioners should be empowered to make treaties affecting commerce in general, and was quite outraged when he discovered that Tammey had not been given authority to do so.¹⁶

¹² Davis, "Continuation of Political Life and Services," 6-8.

¹³ Journal of Congress of Confederate States, I, 44.

¹⁴ Ibid., 48, 51.

¹⁵ Davis, "Continuation of Political Life and Services."

If there had slayings about the election of a former secessionist Senator and a recent Whig as President and Vice-President, respectively, of the Confederacy, he took it as a personal insult when he was "ignored with impunity"¹⁶ in the appointment of the cabinet. Furthermore, the appointments included not a single disavowal of the 1861 strategy.¹⁷ Davis was asked to inform when Davis offered the post of Secretary of State to Breckin, who declined and used his influence to have Henderson appointed Secretary of the Treasury. R. B. Smith, Jr., explained his father's reaction to both men's fitness for the cabinet: "Both of these gentlemen had been secessionists, and up to the last had opposed secession." Smith contended that "Mr. Henderson received no recommendation for this office from the South Carolina delegation,"¹⁸ although Frederick Davis wrote that "on the recommendation of the delegation from South Carolina, he was appointed Secretary of the Treasury."¹⁹ Smith's disappointment was openly revealed when "Father" wrote that Smith would have been willing to accept appointment as Secretary of State but that "he wished, as always, for the office to suit the man, and nobody supported him." That was no surprise, added the correspondent, because all of the state's delegates were from the

¹⁶ Smith, Jefferson Davis and His Cabinet, 56.

¹⁷ See ibid., 57n, for names of all appointees to the Davis cabinet, 1861-1865.

¹⁸ Smith, "The Confederate Government at Montgomery," ibid. 61-2, 104.

¹⁹ Jefferson Davis, Life and Fall of the Confederate Government, 2 vols. (New York, 1865), I, 324.

old cooperation party except "Mr. Ballou who is a friend of Mr. North. . . ."²⁰

Thus the Harvey began with an apparently unanimous expression of displeasure that was to become an embarking surface in the North administration. E. V. Hornell was credited later with having said of the Harvey opposition:

The Harvey's influence began this opposition to Jeff Davis before he had time to do wrong. They were offended, not with him so much as with the man who was put into what they considered Hornell North's rightful place. The latter had heated collaboration and reaction so long that when he found his ideas taken up by all the Southerners world, he felt he had a vested right in leadership.²¹

E. V. Stephenson, on the other hand, believed that

The conclusion drawn by some that North's subsequent course sprang from personal vindictiveness is trifling. He was too large a personality, too well defined an intellect, to be thus egotistical. They probably North made his first great blunder in failing to appreciate the North position. And yet few things are more certain than that the two men, the two factions which they espoused, could not have formed a permanent alliance. Had North retained the Cabinet he could not have remained in it consistently for any considerable time. The measures in which, presently, the administration showed its hand were measures in which North could not agree. From the start he was prejudiced to his eventual position—the great, unending power of the opposition.²²

Already trying to be known as an anti-Davis leader, in February 26, 1862, North reported from the committee on a permanent constitution.

²⁰Charleston Daily Mercury, Feb. 26, 1861. The editor denied on Feb. 27, 1861, that "Jefferson" did North himself, as had been claimed by the Baltimore American "from the ability of the letters as well as the views they express. . . ."

²¹Williams, Story from Davis, 168.

²²Archibald V. Stephenson and Walter Greenwood Fleming, The Jefferson and Reconstruction (New Haven, 1930), 26.

Two days later the Congress resolved itself into convention to consider the constitution reported.⁸³ Barth had not been able to persuade the committee to include the major clarifications from the United States Constitution which he thought it should contain. Thus, "Hortons" reported to the Herald that the constitution adopted probably would not be satisfactory to Barth's slaves, but that the state's delegates would not be able to correct the situation. Significantly, the reporter thought it was to be regretted that the debate on the constitution would be in secret session.⁸⁴ During its consideration by the committee "Hortons" had written in regard to the proposed constitution that the South was "about to be misled with almost every grievance, except Slavery, for which she has long struggled, and just withdrawn from the late United States Government. . . ."⁸⁵

Nevertheless, the Journal of the convention now shows that, although Barth could not sway his committee for his proposals, he was able to win convention approval of two of the three provisions he considered most important. On March 4, as soon as the convention came to the orders of Congress, Barth moved to add to the first clause—which concerned the taxing power—the phrase: "nor shall any duties or taxes on importations from foreign nations be laid exclusively to burden or promote any branch of industry with the expense of any other. . . ."

⁸³ Journal of Congress of Confederate States, I, 82, 83L.

⁸⁴ Charleston Daily Herald, Nov. 1, 1861.

⁸⁵ Ibid., Feb. 30, 1861.

After numerous unsuccessful efforts to amend the document, Davis's proposal was adopted over the opposition of Georgia and Louisiana.²⁶ Two days later Davis attempted unsuccessfully to include a provision that no state could remain in the Confederacy unless it authorized the institution of slavery within its limits. His motion was tabled, and then removed on March 5, was withdrawn after an apparent deadlock in the voting.²⁷ The third provision which Davis thought the history of the United States made imperative was a limitation on the power of Congress to regulate commerce. He urged his amendments: "neither this, nor any other clause contained in this Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce." After making exceptions of coastal aids to navigation and certain harbor and river improvements, the convention adopted Davis's proposal. Only Texas was opposed; Louisiana was divided.²⁸

By March 5 the desired amendments had been adopted or defeated and the Constitution of the Confederate States was ready for final adoption. "However," reporting that the document had been completed and would be made public as soon as it came from the printer, members of the provision "seemed more satisfactory" than those of the Provisional Constitution.²⁹ On March 12 the Constitution was adopted

²⁶Journal of Congress of Confederate States, I, 261-262.

²⁷Ibid., 276, 283.

²⁸Ibid., 278-279.

²⁹Washington Daily Mercury, Mar. 12, 1862.

unanimously by the assembly.³⁰

North later recorded his part in the writing of the Constitution:

It was determined in the Committee at the first meeting, that only one alternative to the Constitution of the United States, in the formation of the Constitution of the Confederate States should be made an experience and proved to be essential. The people of the Southern States in their constitutional differences with the people of the Northern States had contended only for the Constitution of the United States as they believed it to be, by its plain purport and the intention of its framers. The Constitution of the Confederate States, must therefore be seen a matter of restoration from of intervention. Right of these alterations to the Constitution of the Confederate States, from the Constitution of the United States was their introduction to Mr. North. . . . The two most important of the alterations perhaps relate to the laying and expenditure of the public-revenue and the Protection Tariff Policy.³¹

After the adoption of the Constitution, North's contributions to the provisional government were limited to his chairmanship of the Committee on Foreign Affairs and his constant criticism of the administration's conduct of foreign and domestic affairs.

When the first meeting of the Provisional Congress adjourned on March 18, 1862, North returned to South Carolina to participate in the state ratification campaign. Through the pages of the Register he

³⁰Journal of Congress of Confederate States, I, 306. During the discussion of the Constitution, on March 3, Sumner entered in his diary: "Mr. Sumner and Mr. Rice talked. They showed us some lines, made enough. Quoted of Louisiana and Sumner North of South Carolina are always at work, overhauling opinions and wrongs. The points being shown, Sumner suggested the honorable Sumner North should lead the project. These twelve made fun of the suggestion remarking that is was the Lord did not answer Sumner North, Sumner certainly would." William, Diary from North, 13.

³¹North, "Constitution of Polished Life and Services," 28. North apparently also derived the notion of Standard.

began a vigorous attack on those who favored slitting non-slaveholding states into the Confederacy. He saw it as a scheme to reconstruct the union on a new basis, which would simply bring up all the old conflicts which had existed before secession.³² He did not, however, go as far as to advocate defeat of ratification. In fact, he even introduced a resolution to the state convention to send the state's force and arms to the Confederacy on the condition that they should be returned upon request by a state convention or two-thirds vote of the state legislature. After the proviso was notified to give the Confederacy possession until the ordinance should be repealed by a state convention, the resolution was adopted. It was voted with the great majority in favor of ratification and for various amendments which should be proposed at a later date, although sixteen irreconcilable state rights delegates voted against ratification.³³

He doubt that witnessed the firing upon Fort Sumter on April 12, 1861. Although he had contended prior to secession that there was no likelihood of war, armed conflict seemed to be the only means of getting an end to the talk of reconstruction of the union.³⁴ Thus, he returned to Montgomery for the special session of the Provisional Congress, which was to convene on April 29, full of hope that he could force the

³² Charlotte Daily Mercury, March 25-April 12, 1861.

³³ Journal of North Carolina Convention, 1860-1861, 116-117; South, 1861, 12-13.

³⁴ Journal, Confederate States of America, 13-14; White, Robert, 120.

subordination into decisive leadership. On April 27, in Montgomery, General Beauregard "had a two-hour call from the Honorable Barnwell Rhett. His theory is that all would have been right if we had taken Fort Sumter six months ago. He made it very plain to me, but I forget why it ought to have been attacked before."³⁵ The Journal reflected Rhett's opinion when it had nothing but praise for the President's message to the Provisional Congress. Just ten weeks, however, after he had reported "his left hesitating the balance of May,"³⁶ Rhett decided that it was necessary to take important matters into his own hands.

Then, he introduced a resolution authorizing the Confederate commissioners in Europe "to propose a system of duties not higher than twenty per cent ad valorem on all articles of manufacture or production imported from any nation which shall make a treaty with the Confederate States satisfactory in other respects."³⁷ Ten days later the resolution was reported back to the floor by Rhett as chairman of the Foreign Affairs Committee. It had been diluted by the committee into a recommendation to the President to be acted upon "according to the views of the demands of the public service."³⁸ Then the resolution was amended to the effect that such treaties should be limited to five years, Rhett voted successfully to lay the resolution and amendment on the table.³⁹

³⁵Williams, Story from Rhett, 48.

³⁶Journal of Congress of Confederate States, 2, 275.

³⁷Ibid., 276.

³⁸Ibid., 286.

³⁹Ibid., 287. Rhett, in his "Justification of Political Life and

After this failure to win treaty making powers for the European embaissadors, North disagreed with the administration in more and more matters and his attitude on Davis became increasingly bitter. Throughout the remainder of the second session at Montgomery and the three sessions of the Provisional Congress at Richmond, Virginia, North gave no ground in his opposition to the "Whitakerian" but weak policies of the administration. He deplored the insufficient and defective military resources. But, above all, he opposed what he considered the main divisions of the President "to pile the Congress," which were executive patronage, several sessions of Congress, and successive use of the veto.⁴⁰ In October, 1861, Cheever remembered: "If the Confederacy had chosen Marshall North President instead of Jefferson Davis, or had Mr. Davis made Marshall North Secretary of State, we might have escaped our hellish war at least; the war the Secession war was raging with the Administration."⁴¹

When the South Carolina legislature met in November, 1861, the war had come to South Carolina. Fort Royal and Fort Mifflin were captured

services," 15-16, explained in detail his arguments for such reciprocal trade agreements and gave an accurate summary of the volume of the proposals. He believed that war might have been avoided if stronger measures of military preparations had been made and early recognition would have been won from Europe.

⁴⁰Journal of Congress of Confederate States, I, 385, 393, 314, 308, 374, 438, 476, 483, 501, 508, 575, 586, 600, 720, 737, 738.

⁴¹Cheever, Story from Birth, 144.

had fallen to the enemy.⁴² This calamity, no doubt, contributed to the growing unpopularity of Davis. At the same time, Davis, who had done so much to bring on secession, was not spared. He was not nominated for the Senate; Sumner, chief South Carolina supporter of Davis, and Orr, nationalist opponent to the Davis, were elected. Perhaps almost equally humiliating to Davis was the almost unanimous adoption by the legislature of a resolution endorsing Davis and pledging support for his administration.⁴³

Davis was defeated and disillusioned, but not quitted. On February 5, 1862, just twelve days before the end of the Provisional Congress of the Confederacy, he delivered what he considered "an elaborate speech"⁴⁴ on the President's abuse of the veto power. Because records of the debates in the Confederate Congress were not kept, there are no texts of this or other speeches Davis made while a member of the Provisional Congress. In this instance, however, he preserved a carefully interlined and almost illegible two-page draft of part of the speech. In the fragment he kept Davis argued:

In one . . . act almost to the Ruin of the Union such
 Is to be by the President, and not seen to the conclusion;

⁴² Jackson, South Carolina from 1763 to 1863, 134-137; Wallace, History of South Carolina, III, 174; Miller, Robert Furmanell Davis, 213. Sumner's Journal, II, 11, mentions: "Perhaps on portion of Dr. Orr had been so numerous for secession--'tingly and strong' as that part which surrounded Sumner, who confident were they of the power of their little state . . . they fled from their home in a state of troubled amazement."

⁴³ Charleston Daily Mercury, Dec. 2, 1861.

⁴⁴Quate, "Continuation of Political Life and Services," 28.

that he deemed himself a part of the legislative power. General Washington, I think, used the veto power but once. Mr. Jefferson was not at all, and General Jackson but on . . . two occasions during the eight years each of them was President of the Union. Davis has used it . . . this Congress, in one year, more times than all the Presidents of the United States from General Washington to General Jackson included during all their terms of service. Now it will hardly be affirmed, that President Davis has a higher sense of duty, than those great and illustrious men; their wisdom—their intelligence—their patriotism, will not I presume be disparaged, by a comparison with the Confederate President. . . .¹⁰

With the close of the Provisional Congress, on February 17, 1862, Davis's legislative career ended. His only hold on public office was as a delegate to the state convention which had never dissolved itself. He later explained his course of action in 1868 and therefore

Mr. Davis returned to North Carolina, and under took the personal management of his Estate consisting of 1700 Slaves and two Rice Plantations. This was necessary, because four of his Sons were in the Army, and the other, Col. J. S. Davis, was the Proprietor and Conductor of the Charleston Mercury. In his return, he freely communicated to those who sought his opinion, his profound distrust of the wisdom of the Administration. This distrust was very naturally converted into opposition; and probably occasioned his not being elected by the State to the Congress under the Permanent Constitution. But was this surprising. The People knew that he had voted for President Davis for the Presidency of the Provisional Government, but they did not know the grounds upon which he changed his opinion of the President's proved fitness for this high office. Nor could they know them. By the policy of Secret Sessions, they were kept utterly ignorant of the measures Mr. Davis proposed or approved, or the speeches he delivered in Congress, in vindication of his course. . . . This whole policy of Secret Sessions was very little else than a Conspiracy to silence [sic] the President's incompetency and to make his arbitrary will, the law of the Government. Inevitably men, fall into it, from the false conclusion, that it was better for the success of the Cause, to support President Davis with all his folly, than to expose and punish him. After the first year of his rule, no one in Congress could be ignorant of his character[istics]; yet

¹⁰ Davis Papers (Charleston).

Mr. Webb stood almost alone in his condemnation.⁴⁴

In addition to managing his plantation, Webb openly joined his son in the editorial staff of the Mercury. Together they stepped up their charges against South of "political incompetence combined with arrogance and cowardice."⁴⁵ But apparently in 1862 South Carolina was so preoccupied with internal problems that there was little time to give attention to the policy of the Confederate administration. Thus, when the state convention convened in August, 1862, for the final meeting, Webb was not in town with the majority of the meeting. There was pressure from the public and the legislature for the convention to dissolve itself.⁴⁶ Webb was not concerned with such trivialities; he wanted the state to busy itself with more important matters--those matters toward the administration. Shortly after the convention opened Webb proposed a set of three resolutions addressed to the Confederate government: "hereafter states should not be admitted to the Confederacy; in case of peace, commercial privileges, except navigation of the Mississippi, should be granted to the United States only as granted to other nations; appropriations of money by the Confederate Congress for construction of railroads were unconstitutional."⁴⁷

⁴⁴Charles Webb, "Memorandum Number 1," South Papers (Charleston). The same explanation, slightly more detailed, appears in Webb's "Declination of Political Life and Services," ibid.

⁴⁵Charleston Daily Mercury, Feb. 14-27, March 25, 26, 1862; Webb, Robert Barnwell Webb, ibid.

⁴⁶Webb, South Carolina Goes to War, 127-128.

⁴⁷Journal of South Carolina Convention, 1862-1863, 127-128.

Keith, in support of his resolutions, "insisted that the government was justly chargeable with violence, mutilation and want of foresight. . . ." He could not be ignored. Both Sumrell and Chesnut replied to him.³⁰ Because of Sumrell's "personal references" to him, Keith was fit to give a rebuttal. He took up the policies of the Davis administration, which Sumrell had defeated, and compared them with the "negotiations" of the United States Congress which had led to secession. The roles was the same and the arguments were similar, but the responses were different. Both Sumrell was tired of revolution. Keith must have perceived that South Carolina was more deaf to his cries of resistance than he prophetically claimed his speech:

For the last time, in all probability, I now address a deliberative body. My voice will no more be heard in your assembly but the last effort has been made to induce you to announce and vindicate the principles and policy which I deem essential to your peace, independence and liberty.³¹

Keith's resolutions were defeated. And, as he predicted, his voice was heard no more in the deliberative chambers of the assembly.

In fact, Keith's only speech after that of which a record was kept was a non-political one. In the spring of 1863 the Charleston Bar Association, showing that there was still respect for Keith's character and ability, invited him to deliver a eulogy of James L. Pickens, who had died on March 3, 1863. Keith opened this final speech:

I say, perhaps, for the last time the summons for the Charleston Bar to assemble together, to commemorate the death

³⁰ Charleston Daily Mercury, Sept. 15, 1862.

³¹ Ibid., Sept. 23, 1862.

of one of the unknown. The most distinguished, and the most venerable member, with but one exception, has left the table and the house. My father is beyond—my friend is early gone—my better friend is absent on business rather than our fortune, private duties or travels, and the many public concerns and differences of more than thirty years, have induced to say to me an initial word or to do an initial deed.

North went on to relate a specific act of friendship by Pettigrew in 1807, when North thought he had been "betrayed by the misfortune of others."

He quoted Pettigrew: "I have no money; you know I cannot keep money; but up would he come, in any manner you desire to use it, to the last dollar of the property I possess."¹⁰

Making a transition to the body of the speech by pointing out that he intended to deal with only "a few of the traits that distinguish him from other men," North discussed four outstanding qualities of Pettigrew: (1) Not only was the deceased "a great lawyer . . . he was a friend—and a sincere friend" to his clients. (2) "The deceased did not seek power." (3) "The deceased was no hunter of popularity." (4) "Mr. Pettigrew was essentially a conservative—conservative in all his views of society, government and religion."

Contrary to his method in the 1850 eulogy of McKim, North did not dwell on political events or philosophy in this speech. Nor would such a treatment have been appropriate; Pettigrew was not primarily a politician. This speech, therefore, was merely a selective treatment of the character and life of the man. Explicit in the speech, of course, were areas of what North considered the *frontrunners* of high morality: integrity, sobriety, and conservatism. The central theme of all of North's speeches for thirty-five years had been the North-South

conflict. Yet, in this speech Smith treated the subject only briefly. In addition to mentioning in the introduction his and Polignac's disagreement in politics, Smith said of Polignac's conservatism in general:

He feared change; for change in governments too often, he knew profound businessmen in private businessmen with my colleague the rulers of a state, were from the one source than from the power of material force. Change also broke off those habits of consultation and support to a government which often enable him to strengthen positions of the President, "West peace and order it." His generous and noble nature could not realize the dangers others thought they saw, hanging over the destinies of the South from our Northern associations. He could not believe in their hate and hostility, when not only good faith but manifest interest demanded a policy on their part of firmness and peace. Like thousands and tens of thousands of the best men in the South, he could not understand the state-orientation of the people of the North until developed by the stern test of war.⁵²

In the Polignac policy Smith showed more tolerance for opposing political opinions than had been his long custom. He seemed to gain some consolation from attempting to credit high motives to those who disagreed with him.

But there could be no peace of mind for the Charleston "firebrand" when his beloved low country was being ruled a marshal. Conditions in South Carolina were such that opposition to Smith "seems to have been much stronger in 1863 than in 1862."⁵³ Was it possible that the shifting weight of public opinion could lift the overwhelming opposition from Smith's proposals? Smith apparently thought so. It

⁵² Charleston Daily Mercury, April 29, 1863.

⁵³ Graham, South Carolina Goes to War, 82.

least be believed that it was possible to win some measure of reconciliation at the hands of his former constituents. Learning that Congressman Lewis B. Ayer would stay silent in his favor, North became a candidate for the Confederate House of Representatives from his old Congressional District. In the announcement of his candidacy, North reflected that he would serve if elected but would not "surrender" for the election.⁵⁴

Ayer refused, however, to withdraw. Anticipation of Ayer's attitude in North's first campaign for Congress in 1861, Ayer pointed out that the incumbent was always considered to be a candidate until he announced otherwise. Refusing to admit North's superior qualifications to represent the district, Ayer defined the issue of the campaign: "Is it the desire of the people of this Congressional District to wage war against President Davis at all times, in and out of season, and to create, stimulate and urge on a Southern and most uncharitable opposition to his administration?" Ayer continued to add, however, "I by no means make President Davis my idol." Referring only that the President should have the general support of the people, he mentioned Davis because he had opposed in Congress.⁵⁵ L. B. North, Jr., replied in the Journal that "Members of Congress must not be registering charges of the Executive, . . ."⁵⁶ and the elder North began a speaking tour of the district. Refusing to be used, Ayer showed up at each place North was scheduled

⁵⁴Charleston Daily Mercury, Aug. 23, 1861.

⁵⁵Ibid., Sept. 5, 1861.

⁵⁶Charleston Daily Mercury, Oct. 1, 1861.

to speak and engaged him in debate. Unfortunately, reports of the debates were not published.⁵⁷ Apparently, the only record of the results of the election is the one published in the Freeman: Ayer was elected with a majority of 34 votes over Smith. In the Districts of Barnwell and Oconeeburg, Ayer received majorities of 317 and 75 votes, respectively; in Colleton and Sanford, Smith's majorities were 48 and 36, respectively.⁵⁸ Smith's strength still lay in the better-governed low country more than in the middle gentry districts. Nevertheless, the "unbelievable" had come to pass. The final, heart-breaking repudiation of the "Father of secession" had been made by his own third district. He now began or resumed an anti-slavery work that had put the period in a career punctuated from the beginning by disappointment and defeat.⁵⁹

The defeat of Smith could be explained by the fact that conditions were so controlled that the polls never opened at many places in Colleton and Sanford Districts, or--as Smith explained it--by the fact that his contributions to the Provisional Congress had been concealed by secret machines.⁶⁰ One source thought that

Smith Gordon at this time kept his nose and quite positively
 up. . . . The subsequent history of the South Gordon

⁵⁷Smith, Robert Barnwell Smith, 130. The Charleston Daily Mercury for that time was the South State, and most small town newspapers had ceased publication. The serious paper shortage was one of many serious manufacturing deficiencies contributing to Southern defeat.

⁵⁸Sanitation Daily Worker, Nov. 15, 1863.

⁵⁹Smith, Robert Barnwell Smith, 134.

⁶⁰Smith, "Reconstruction of Political Life and Services."

delegation had of the State Government shows that by 1863 South Carolina had become, no longer all Secession or anti-Secession State, and yet the largest personality and probably the object aimed at the State was rejected as a candidate for Congress.⁶¹

Sumter's career as a public speaker ended with his defeat in 1863, but he was not yet ready to lay down his pen. There was still hope that he might make some contribution to the solution of the South and his native state. If not, perhaps he could aid future understanding of the causes and events of the war. In the winter of 1863 he was in correspondence with General Beauregard in regard to the military defenses of the area surrounding his low country plantation.⁶² He also had correspondence with Senator Lewis T. Wigfall of Texas concerning the "horrible incompetency and perversity" of President Davis.⁶³ While the Summary called for impeachment of Davis and R. B. Sumter, Jr., introduced in the Legislature strongly worded resolutions calling for resistance, Sumter began in 1864 a book which he entitled "The Lion had Fall of the Confederate States of America, Interpreted with History."⁶⁴

By the end of the war it appears that the anti-Secession feeling had become so strong that "Sumter and South Carolina again stood

⁶¹Stephenson and Fleming, Confederacy and Reconstruction, 64.

⁶²L. T. Beauregard to R. B. Sumter, Dec. 17, 1863, The War of the Rebellion: A Compilation of the Official Reports of the Union and Confederate Armies, Series I, XXIII, PART 3 (Washington, 1867), 307.

⁶³L. B. Sumter to L. T. Wigfall, April 15, 1864, Wigfall Family Papers, Library of Congress.

⁶⁴Charleston Daily Mercury, Nov.-Dec., 1864; Sumter Papers (Charleston).

together.⁵⁵ But it was too late. All was lost. South died in Alabama, impoverished and ruined. In 1864 E. B. South, Jr. returned the Library and South returned to Charleston to write bitter editorials against reconstruction. After two years the Library failed. By 1871 E. B. South, Jr. was editor of the New Orleans Piano Magazine, and his father joined him there to write more virulent editorials condemning the "tyrannical" rule of the North over the South. While in Louisiana South also wrote the sketch of his life and services, several book reviews, and continued work on his history of the Confederacy. Spending his last years with his daughter and son-in-law, Alfred Jones, in St. Anne Parish, Louisiana, South continued his active interest in politics until his death on September 14, 1876. He was buried in the family lot in Hagood's Cemetery, Charleston. There is no head-stone to mark his grave.⁵⁶

Shortly before the end of his life, South closed his autobiography with hope for the future of the South:

We may be full of hope and if unconquered in mind may wait in confidence on time and opportunity. Time is the faithful ally of all brave purposes and is daily bringing us strength, which in forty years, will make the Southern people the masters (perhaps the undisputed masters) of their own destiny. In the meantime we may hear with sadness the tyrannies and violations which are heaped upon us as a people; and cherish the hot indignation which swells and boils over in our hearts still.

⁵⁵ Maria, Robert Barnwell South, Ed.

⁵⁶ Ibid., Vol. II, "A Few Personal Notes About the Hon. Robert Barnwell South, from his daughter, Miss South Lewis," South Papers (Charleston). These papers contain large passages of editorials of the Charleston Mercury, 1864-1868, and of the Piano Magazine, 1871-1876, labeled "editorials written by my father."

beating with the blood of our children fallen in battle. Perhaps our perceptions are our greatest blessings, since they have fitted you to a knowledge of the characteristics of the people of the South, which without previous experience, our race itself, had fully produced; and have made it the duty of every Southern man to pray for, live for, and (if necessary) to die for the independence of the South. With an area of territory greater than that of France, Germany, and Great Britain combined, with a climate and soil whose surpassing variety and fertility, greatly flows from the exhaustless waters of the gold-stream, with a population as brave and free as ever fought for liberty, the people of the Southern States, cannot fail to rise amongst the nations of the world, one of the greatest people, who have ever controlled and blessed the destinies.⁴⁷

Upon his death the Charleston Daily News and Courier published a highly laudatory sketch of Sumter's life, based apparently on the Wallace sketch and Sumter's own autobiographical sketches. The sketch predicted that "history dealing with actions rather than consequences, will accord him a loftier station in the Temple of Fame." It was in this sketch that Sumter was given the title "Father of Secession." The writer honored Sumter's statement of the final moment by quoting the peroration from his 1853 Greenville speech and adding the final declaration: "This, fellow countrymen shall be the epitaph of Robert Barnwell Sumter."⁴⁸

⁴⁷Sumter, "Declaration of Political Life and Services," 66-67.

⁴⁸Charleston Daily News and Courier, Sept. 18, 1875.

CHAPTER III

UNITY, COEXISTENCE, AND SEPARATION: A SYNOPSIS

For almost forty years the voice of Robert Barnwell Rhett fell upon the ears of the people of South Carolina, the South, and the United States. His was always a plea of protest; he seldom spoke for a majority. His blood brothers, Charles James Fox, Patrick Henry, John C. Calhoun, and many other better known men, perhaps, more effective orators before him, Rhett spoke in defense of what he thought were the rights of a minority. Unlike most other political orators, he was persistently consistent in his plea for the unpopular. His thousands and thousands of words to the South Carolina legislature and state conventions, to the United States Congress, and to the Provisional Congress of the Confederacy were always, with only slight variations, to the same theme: the South must resist unconstitutional legislation or suffer the loss of her way of life. He stated his proposition in general terms in 1816, and translated it into legislation in 1828. He threatened division in 1844, and crossed the ocean in 1852. He opened the campaign in 1857 which culminated in secession a little more than a year later. Thus, South Carolina and the South did what Rhett urged them to—each when he told them to take or do so as he wished, but they followed his general program. Furthermore, the Southern Confederacy adopted much of his platform for a new constitution. But the South, unwilling to follow Rhett in establishing all the guarantees against centralization of

presented that he thought necessary, heard his enemies his private. When his speaking career ended in 1863, Thoreau was leaving the same old message the country had heard from him for so many years. Faced with disaster, the South did not listen.

The rhetorical critic is tempted, nevertheless, to credit the speaking of Thoreau with tremendous influence in leading a reluctant South to the door. Such an interpretation must, of course, consider Thoreau's failure to curb or control the Davis administration. This failure might be explained tentatively as a result of two phenomena: (1) as occasion led to war, reaction against the prospect of any restraint of the action was normal; (2) the war did not last long enough for the South—which had taken thirty years to accept secessionists agree with Thoreau on the ineffectiveness of the administration.

But unravelling the messy-quick of social and political processes is not as simple or certain. Historical analysis must take into account a multiplicity of forces in interaction. Harold E. Lasswell says of such attempts: "It is plain . . . that no simple factor can be profitably used to measure influence and the influential. . . . From analysis, then, we can expect no static certainty. It is a constant process of re-examination which brings new aspects of the world into the focus of critical attention."³ The breadth of the task of the critic who attempts to isolate rhetorical factors in social change is implied in Donald Reynolds's summary of the functions and scope of

³Harold E. Lasswell, Politics: The Study of Power, New York (New York, 1961), 25-26.

Rhetorics

In brief we may assign to rhetoric a four-fold status. In far as it is concerned with the management of discourse to create the situation for practical purposes, it is an instrumental discipline. It is a literary study, handling linguistic form, critical theory, and semantics as it touches the art of inferring ideas, and the functioning of language. It is a philosophical study in far as it is concerned with a method of investigation or inquiry. And finally, as it is able to rationalize, drawing upon psychology and sociology, rhetoric is a social study, the study of a major force in the behavior of man in society.²

The rhetorical critic proceeds from the premise that speech is influential in shaping the course of history. He knows that speech is a purposive activity—that speakers deliberately set about influencing the minds and actions of their listeners. Thus, he attempts to evaluate the speaker's success in achieving his aim. Nicholas defines the objectives of rhetorical criticism: "We find that its point of view is severely single. It is not concerned with persuasion, nor yet with beauty. It is concerned with effect."³ Briggs once shared the same language when he says in the preface to A History and Criticism of American Public Address: "This work deals with the influence of American public address on the flow of history . . . ; final judgment is here based on effect instead of beauty, on influence instead of appeal to the imagination."⁴ Thomas and Baird put it simply that "the word effect

²Donald A. Bryman, "Rhetorics: The Functions and The Scope," The Quarterly Journal of Speech, XLIII (1957), 484.

³Robert A. Nicholas, "The Literary Criticism of Oratory," Studies in Rhetoric and Public Address in Honor of James Albert Winans (New York, 1953), 208.

⁴William Brewster Briggs (ed.), A History and Criticism of American Public Address, 2 vols. (New York, 1931), I, xlii-xliii.

or response, is subordinate. It suggests the central reason for rhetorical criticism.³

Unfortunately, however, agreement is not as widespread as the relative values which the rhetorical critic assigns in his attempt to appraise the effectiveness of a speaker. Thomson and Laird, after discussing several measures of effectiveness common to contemporary rhetorical criticism, conclude that a combination of standards is to be desired:

A single measure of rhetorical effectiveness is probably neither possible nor desirable. A speech is a complex affair; the evaluation is not likely to be any simpler. . . . An effective address should bring out the moral and intellectual character of the speaker; it should elicit an early, favorable response; rhetorically it should conform, within certain limits, to the technical virtues; it should exercise a specific influence upon subsequent events.⁴

Is it not possible to combine these standards into a unified analysis of total immediate and subsequent effect? If such unity using the codes of criticism is possible, the achievement would seem to lie in composite answers to three general questions: (1) Why did the speaker do what he did? (2) What did the speaker accomplish? (3) How did the speaker gain the results?

Answers to these questions, however, yield no methodological critique. Practical methods are not applicable to the present state of the art of rhetoric. Until rhetoric has become a much more exact science than it is at present, it will be impossible to measure

³Lester Thomson and L. Craig Laird, *Recent Criticism: The Development of Standards for Rhetorical Appraisal* (New York, 1959), p.

⁴*Ibid.*, 141-142.

accretely the long-range effect of Hawthorne's years of standing with the South to follow him. If more exact methods of rhetorical criticism should become possible, the new techniques of analysis may well arise from developments of the current anthropological theories of communication. The scientific-philosopher who is largely responsible for these theories, however, does not offer much hope of their providing slide-rule procedures for social analysis:

The social scientist has not the advantage of looking down on his subjects from the solid heights of eternity and eternity. . . . In short, whether our investigations in the social sciences be statistical or dynamic—and they should participate in the nature of both—they can never be good to more than a very few distant places, and, in short, can never furnish us with a quantity of verifiable [sic], significant information which begins to compare with that which we have learned to expect in the natural sciences. We cannot afford to neglect many matters should we hold exaggerated expectations of their possibilities. There is much which we must learn, whether we like it or not, to the un-falsifiable,⁷ narrative method of the professional historian.⁸

Thus, measured conjecture is the best yield a critic can expect from social analysis based on the narrative method. Such conjectures concerning the rhetorical effectiveness of Robert Marshall South must consider factors in his conditioning—forces in the social, economic, and political life of the low country of South Carolina which produced Hawthorne's philosophy and personality. Hawthorne's ideas, attitudes, associations, and even his methods were products largely of the combined results of environmental influences. Historical study of Hawthorne seems to make it necessary to follow the advice of Arthur F. Bentley:

⁷Robert Wiener, *Communications, Or Control and Communication in the Biological and the Behavioral Sciences* (New York, 1948), 191.

When "ideas" in full are drive past, the thing to do with them is to accept them as an indication that something is happening; and then search carefully to find out what is really in they stand for, what the factors of the social life are that are expressing themselves through the ideas.⁶

Such was a peculiar product of an "irrepressible conflict" between an expanding industrial democracy and an expanding agrarian autocracy. A simple analysis can isolate the concept of self-interest on both sides of the core of the conflict. But the conflict was not a simple one. There were common elements in both economies. Lincoln's respect for property combined with Jackson's love of liberty to affect attitudes in all sections of the country. Furthermore, there was a strong tradition of Jeffersonian democracy in the Southern classocracy and an element of Hamiltonian aristocracy in the Northern industrialism. Perhaps the most important consideration in 1845 industrialism was expanding faster than was agrarianism. In their analysis of the economic currents of early nineteenth century Europe, Barter and Edwards explains

To have stopped with the simple security of Jeffersonian autocracy would have seemed more daring to have associated with Jackson's distrust of the forces of capitalism would have been serious sabotage. In the nineteenth century and our way as a nation led to the El Dorado of material civilization in which happy state the spirit of agrarian democracy remained only as a faint but irresistible echo of the past.⁷

Barter translates this industrial revolution into anti-slavery sentiment outside the South:

⁶Arthur P. Barter, The System of Government: A Study of Social Structure (Knoxington, 1937), 124.

⁷And P. Barter and Robert F. Edwards, Background of American History (New York, 1931), 126.

Lincoln's attitudes and actions were also the product of certain great changes that were gradually transforming his part of the nation. A new interdependent age was dawning thousands of years in which national unity was essential to stabilize economic relations and in which the enslavement of human beings could not coexist with the later requirements of free enterprise or the ethical standards of a developing society. For the realization of the American democratic ideal, the Union had to be preserved, and slavery had to be put on the road to ultimate extinction. There was no other choice.²⁰

Stuart represented a point of view antipodal to that of Lincoln.

Chapter I of this study delineates the economic and political developments in South Carolina which shaped Stuart's attitudes. Not only was he born and bred in the most intensely aristocratic slave culture of the entire South; he was born too late to share the love of the union held by G. G. Flinckney, James L. Pettigrew, and John C. Calhoun. During his youth Stuart learned to revere the low country culture--with its educated and aristocratic gentlemen, the modest and cultivated ladies, and the happy and carefree negro slaves. It was a reverence intensified by the realization that the growing numbers of up country whites would like to rule the thinly populated aristocrats of the low country with their hating black laborers. Thus, Stuart early became convinced that a slaveholding people must be ever on guard lest the spreading ideas of democracy result in sub-ruin by the propertyless classes. Before he reached voting age the slavery question confronted the slaveowners with the East West, although they might be able to dominate affairs within the state, they could no longer expect toleration of their "peculiar institution" by the millions in the industrial North.

²⁰James, Growth of Southern Democracy, 371-372.

By 1858 Sumter's impressions were fixed that the South must take strong measures to protect her cotton from the aggressive industrialism of the North. And Sumter was so convinced that, according to White, "certainly those men formed houses as logical syllogisms capable of demonstration, so clear that he never thereafter doubted their correctness and so inevitable that they must be translated into action."¹²

Doubtless the domination of the law society of South Carolina had a significant effect on Sumter's rigidity of will. At the same time, his nervous, nervous, and aggressive temperament was of equal importance to his total personality. The work of his entire was of biological and vitology, apart from environment, it is impossible to know. It is essentially the age-long question: how much of a leader's actions result from virtue and how much from fortune? Sumter's biographer has aptly summarized the complex result of the combination in his own

Sumter's character and the orientation of his career, as well as his statesmanship, are subjects upon which historians see as little likely to reach agreement as were his contemporaries. Briefly, particularly for his independence and unswerving consistency, he yet presents in many respects a curious mixture of the revolutionist and the constitutionalist, the abolitionist and the politician, the aristocrat and the democrat, the states rights devotee and the Southern nationalist and imperialist. . . . Most of his Southern colleagues, even those who shared his views, thought him peculiar, intolerant, and contemptuous of others, rash and variable, an altogether unattractively guide for the South.¹³

Just as there has been disagreement among both historians and his contemporaries as to his character and actions, there have been varied

¹²Dictionary of American Biography, IV, 586.

¹³Ibid., 586.

opinion on Keith's effectiveness as a speaker. Ben Isaac Williams considered him "an orator rivaled only by Henry of Alabama. . . ."¹³ Williams thought that while Keith was in Congress, "in all his efforts he spoke with ability, and always with effect."¹⁴ Percy considered him "a brilliant writer and eloquent speaker, and always bold, direct and easy in his colloquial speech."¹⁵ The most complete analysis of Keith's speaking by a contemporary was that contained in the 1881 sketch of his life:

His style of speaking was eminently logical and impassioned, appealing at the same time to both the reason and feelings. . . . The act was ever descriptive to his subject, and the speaker appeared the living embodiment of the thoughts he uttered. His views were original and broad, addressed to the pit of the matter. He did not waste time in superficialities or mere details.¹⁶

On the other hand, John Quincy Adams was unfavorably impressed on almost all occasions by both Keith's ideas and his rhetorical techniques.¹⁷ Furthermore, historians of oratory of the period have given him little or no notice.¹⁸

¹³Williams, Story from Right, 126.

¹⁴Williams, Political Life and Services of J. Marshall Keith, 13.

¹⁵Percy, Impassionedness of Public Men, 113.

¹⁶See Tompkins Frank Leslie's Illustrated Newspaper, Feb. 9, 1881.

¹⁷See, for example, Speeches of John Quincy Adams, 1, 145.

¹⁸See following all sources Keith: R. L. Haynes, Living Orators in America (New York, 1847); Maria Deloria Barker, Orators of the South Since the Civil War to the Present Time (New York, 1877); Thomas F. Wilson, History of Alabama (Tuscaloosa, 1898); Francis Paulsen Nelson, Alabama Orators 1789-1889 in Madison University, Alabama, 1891; Stephens, History and Collection of American Public Orators, 144, 166, mentions him only for a total of seven times.

What, then, did South accomplish as a speaker? Credit his with primarily personal motives, and the answer must consider him to be relatively a failure. His big victories invariably turned to ashes. He always was able to arouse enthusiasm and win support in Hartford and Union Districts—even in 1883 a majority of the votes cast in those districts favored South. But his success with a wider audience was less spectacular. His call to action in 1888 did not win the strong resistance he asked for. His plea in 1890 for less judgment at the residence of abolitionists was largely ignored. His defense of the theory of nullification in 1894 was rejected by the South Carolina Supreme Court. His arguments on the advantages of secession in 1898 won little appreciable response. His daring attempt to lead South Carolina out of the Democratic Party in 1904 was readily squashed by Calhoun. His big victory in 1906 was repudiated by the state convention in 1908. His express success in 1909 was followed by his being rejected by Jefferson Davis and humiliated by South Carolina.

On the other hand, credit South with his apparent willingness to sacrifice his personal advancement for principles, and the answer must be that he was stuporously successful. Quickly for nearly twenty years and by implication for over thirty years he stood almost alone among Southern leaders in advocacy of Southern secession. Identifying his personal failures, R. W. Stephenson thought that "as in Texas, so in South, there was something that fitted him to one great cause but did not fit him to others."¹² Ben Ross Williams believes that "Isolated

¹²Stephenson and Fleming, Secedency and Reconstruction, 59.

Hoffa . . . and Thell and Tammey and Cramer [a] Payer did more than any other four men to bring about secession. . . .²⁰ Thell's rival of many years, James E. Samuel, graciously gave his credit to Thell: "Thell and Co., . . . brought on this great movement. They were instruments in the hands of God (as John says)—though it was destined as to me at that."²¹ Hoffman seems to have summed up the total influence of Thell and other secessionists most accurately:

That secession in South Carolina was essentially an act of the people can hardly be doubted. Nevertheless, the unity of the Mass of secessionists must be explained fundamentally in terms of leadership. Probably to a greater extent than in any other Southern state South Carolina had been prepared by her leaders over a period of thirty years for the lessons of 1860. Induction into the principles of state sovereignty, education in the necessity of maintaining Southern institutions, warnings of the dangers of control of the Federal government by a section hostile to the interests—in a word, the education of the masses in the principles and necessity of secession under suitable circumstances—had been carried on with the skill and success hardly inferior to the masterly propaganda of the abolitionists themselves. It was this education, this propaganda, by South Carolina leaders which made secession the almost spontaneous movement that it was.²²

Thell's part in that leadership cannot be isolated. Doubtless, his speaking, as well as his writing, was significant in secessionist efforts—perhaps more significant than the influence of any other single man. He did not give any one great speech which aroused his hearers to immediate action; nor did any one speaking campaign necessarily affect voting results or other overt behavior. Rather, his influence came from

²⁰ Hoffman, Story from State, 60n.

²¹ Quoted in White, Robert Barnwell Thell, 101.

²² Hoffman, South Carolina Once to War, 37.

continuous repetition of associations which were yet everywhere in the state of his listeners, especially those outside of the small free country district which served as an effective standing board for his ideas.

According to E. B. Phillips, the "central theme of Southern history" always was a determination "to keep southern society, truly aware that the South still remains the white man's country."¹³ This central theme did not exist, however, until secession, indigno, class, and cotton brought black men to parts of the South in far greater numbers than the white men. And this idea did not have force until the free economy of the expanding Southern industrialism threatened to turn the black men loose to dominate the free cities. Their attempt to lead his state and region farther than they were prepared to go in meeting this danger. He could not push them into action until they were able to sense the reality of the components of the crisis. Nevertheless, South was either unwilling or unable to content himself with riding the crest of a wave of public opinion which he thought was too slow for safety. Thus, he appeared to sacrifice himself for a cause. The work that he was able to accomplish by this rigid consistency was to keep along the processes of group decision by providing ready-made arguments for people to use when conditions made the arguments palatable. According to Thurston and Reid, effective speeches often do no more than provide "important links in a long chain of influencing circumstances."¹⁴

¹³E. B. Phillips, "The Central Theme of Southern History," E. Burton Chilton (ed.), *The Growth of the South in Transition: An Interpretation* by Elisha B. Phillips (New York, 1937), p. 105.

¹⁴Thurston and Reid, *Speech Principles*, 104.

Lincoln's speeches gave meaning and credibility to convictions which the South was reluctant to accept.

The sources of Lincoln's effectiveness—and lack of strategy to avoid it in his rhetorical methodology as it related to the conditions of the times. His proofs, his compositional techniques, his manner of delivery, and his overall approach to the art of speech revealed his total personality in reaction to environmental forces. Unfortunately, however, conclusions concerning Lincoln's speaking techniques must be drawn from fragmentary historical records. Important among the gaps is the total lack of information as to his methods of preparation of his speeches; apparently he left no outlines or rough drafts of speeches, except the fragment of the speech on the veto power in the Confederate Congress. Likewise, his mode of delivery—whether extemporaneous, from memory, or from manuscript—can be known in most cases only by conjecture. Related to these matters is the questionable authenticity of most of the texts of Lincoln's speeches. In many cases, according to his own testimony, the actual texts were written out by Lincoln after the speech had been given. In those cases in which reporters' transcripts of speeches are available, the accuracy of the reports is doubtful. Thus, details of Lincoln's methodology can be reconstructed with only approximate accuracy. Lines can be drawn, nevertheless, from his general methods to his effectiveness.

Of particular significance to Lincoln's political success was the impression that people had of him as an individual. Webster epitomized the opinion generally held by his contemporaries, when he said of Lincoln

In 1856 "He was more popular--but his commanding talents gave him great influence."²⁵ Keith's portmanteau maximist abated his general popularity.²⁶ At the same time, he had several very personal friends who held him in high regard despite strong political differences. Outstanding among these were Bridgman and Perry. White observed in his conversations:

It is indeed striking that, while many of the sharpest criticisms of Keith came from men of his own party and section, who resented his ruthless logic and unparalleled consistency as well as his assertive leadership, the most ardent opponents of his public position, in both state and nation, gave respectful testimony to their respect for those same qualities and their admiration and were roused for the engaging personality of the man. . . .²⁷

Keith's, too, in the life of Keith was the extreme devotion of his family. His brothers and his sons were among his strongest and most consistent political supporters throughout his life. His daughter wrote of him after his death:

His temperament was nervous, he was quick in speech, & quick tempered, but entirely self-controlled [sic]—in all my life with him I hardly ever saw him show or express anger. His children on times at pleasure as great as that of having him play with us—all sorts of games which he would make for us & played on that he was a boy. . . . He was ever had a more tender, loving heart. To us his daughters, his tenderness was consideration & courtesy was [sic] most beautiful & unfeeling. And the feeling extended through all vegetables, all children, all the weak & all the suffering. . . .²⁸

Similarly, his son described Keith's personality:

²⁵*Charleston Journal*, 7, 9.

²⁶*Charleston Daily Mercury*, Nov. 27, 1857, Feb. 16, 1861.

²⁷White, *Robert Reynolds Keith*, 126.

²⁸From Keith Lewis to Laura White, Keith Papers (Charleston).

A man of retiring disposition, amiable temper and great affections, his happiness was in his home. Self absorbed in the society and surrounded in youth in a secluded life, he was indifferent to the association of men and was, therefore, well known only to few. But he delighted in the society of women and children, of whom he was very fond. His nature was loving, truthful and generous.

Finally, he was one of the purest men this country has ever produced. It may be truly said of him, that he never met any vice, great or small, and was temperate and conscientious in all things. . . .²⁹

Here, perhaps, is the key to much of Thoreau's unpopularity. His retiring disposition took the form of a cold and austere manner in his dealings with the public and his political associates. W. D. Phillips considered this aspect of Thoreau's personality significant:

Whether my have been his trouble in youth, he seemed Thoreau was a true religiousist, a total abstainer from liquors, a non-taster of smoking, and in spite of amiable temper, a man of austere habit. His conversational individualism, he had no compromise with which to give it there. . . . Bewildered of personal egotism, his career and words have been somewhat lonely.³⁰

Thus, whether Thoreau was really so warm and amiable as his family and a few close friends believed was of little importance in his effectiveness as a speaker and a politician. That he was thought to be ambitious, arrogant, impulsive, imprudent, and doctrinaire was important, however, in his total effect. But was confidence in his actions or reliability enhanced by the almost universal agreement that he was a man of "commanding talents?" Furthermore, his political opposition to vice, alcohol, and smoking only intensified the impression in pleasure-loving

²⁹ Christian Elder Journal of Commerce, Sept. 15, 1876.

³⁰ Editor, Journal of the South Sea Association, 132.

anti-Sellon South Carolina that South was an idealist, uncharacteristically idealist. These widespread beliefs about South, right or wrong, were doubtless due in large measure to his rhetorical position.

Underlying many of South's practices in speaking was his approach to the speaking situation. His introspective nature took the form, in this case, of a subjective attitude toward his audience.

According to Harwit and Foster:

An effective speaker usually is objective. He thinks in terms of the audience; he studies the audience before he begins preparation of his speech and as he speaks he tries to understand its point of view, biases, prejudices and predispositions, its tendencies, interests, sense of values, habitual modes of thinking, social characteristics, range of information, social background, and environment; in short, everything which may have some bearing on the task before him of eliciting the desired response. If the speaker's attitude is objective, he is likely to be a persuasive speaker. This is one of the basic principles of speech.²²

If South was aware of this fundamental of persuasion, he must have thought his audience believed as strongly in his unflinching reason and idealism as he did. Unfortunatly, his speeches were speaker oriented. He seemed to feel that he should be able to win public approval of his point of view if he only explained his reasons for arriving at his conclusions. Furthermore, his attempts at giving in his speeches almost invariably revealed his subjectivity. This ineffectiveness was in obvious proof in such noticeable in the introductions and conclusions of his speeches, where he usually made an overt bid for audience confidence. He frequently opened his speeches with an

²²Ray Harwit and William Ernest Foster, Basic Principles of Speech (New York, 1943), 129.

explanation of his personal reasons for speaking and closed on an equally subjective note concerning his personal attitude and action on the matter under discussion. These elements to enhance his own authority with his listeners do not seem particularly inappropriate in light of nineteenth century speaking customs then considered singly. But the cumulative effect of his many references to personal attitude on his, to the endorsement his district had given him at the polls, and to his intention to a particular cause could only tend to reinforce the public impression of his egoism. Burke's appeal, of course, was not restricted to his mention of himself in his speeches. His selection of ideas, his choice of words, his logical and pathetic proofs, and his manner of delivery all contributed to his probity, or lack of it, with his audience. They act in describing Burke as Aristotle's general comment on the importance of ethos: "we might almost affirm that his character is the most potent of all the means to persuasion."³⁸ At least, in Burke's case the importance his character took on his audience constituted one of his biggest obstacles.

E. B. Phillips asserted that Burke's "appeal was to reason, and to people who loved reason."³⁹ Burke was not emotional, as Phillips implied but his emphasis was always on logic. Embodying a strict sense of reason, he was as certain of his arguments as only the man can be who has arrived at his conclusions through perfect integration.

³⁸Leon Kupper, The Rhetoric of Aristotle (New York, 1933), 9-8.

³⁹E. B. Phillips, "The Plain-Facter," Collier, Survey of the South by Sea, 121.

springing from incontrovertible premises. And Sumner's premises were generally indisputable among Northerners slave-owners. Typical of these were: the institution of slavery has existed in all great civilizations in history; it is natural for all nations to expand their borders; yielding to aggression only widens the power to resist. Sumner did not rely, however, on deductive reasoning exclusively. He seldom neglected an opportunity to use analogies of the South with the colonies before the American Revolution; he constantly attempted to demonstrate racial relationships among groups in the North-South conflict; his entire argument too is a case a generalization--that since the North had employed the South in so many instances the policy of a Northern controlled government would also sit well of the South. Furthermore, Sumner supported his arguments with generally sound evidence--not least from the slant of Northern thought. He cited numerous legal and political authorities; he marshalled facts on economic and political events. Taking his speeches as a whole, then, he presented as sound arguments in defense of Northern institutions and far separation from the Union as any man of the period.

Doubtless the cumulative effect of his reasoning helped to crystallize the decision of the North that the Union must be dissolved. Why, then, was Sumner not able to persuade his listeners that he was the man to lead the South in the hour of trial? Why was he not able to win a more satisfactory immediate response to the principles he advocated in his speeches? Perhaps the answer lies largely in the very overwhelming force of his logic. People who did not have a strong desire to accept Sumner's conclusions were only made uncomfortable by his powerful

morning. Furthermore, Harri's air of certainty that he was right, with the implication that all who disagreed with his more or less stopped or withdrew, alienated those who thought they had sensible reasons for thinking differently. Even in 1861, as demonstrated by the differences between Davigdor's statement of the reasons for secession and Harri's more eloquent and accurate exposition, many South Carolinians were not willing to admit that Harri had been right and they had been wrong in 1850, 1854, and 1855. Seceders had led the people of the South to accept Harri's conclusions, but they could not agree with the whole scope of his argument or credit him with the sagacity he apparently had them without humiliating themselves.

Phillips thought that after 1855, though Harri's "thought continued vigorous, and was often bitter, his phrase was explicit, rather direct."²⁵ Doubtless Harri's rhetoric was more fleshily motivated. In the 1858 Bellator Address that is most of his more serious speeches and writings. And, despite his volatile nature, Harri did develop a self-disciplined dignity relatively early in his career. Yet, except in the best early speech in 1854, his strong motivation almost always found its way into his speeches. He usually seemed to make little deliberate effort at pathos until the pervasion, when he characterized Harri's attempts to tie his own strong feelings to latent audience drives. Prevalent among the basic desires he attempted to arouse were: self-preservation, he maintained the slaves law, patriotism, especially,

him. Although Burke's figurative personifications probably softened his positions, Burke's frequent references to the battlefield and preference for death over diagrams must have frightened many neutrals away from agreement and convinced many opponents that he was more dangerous than they had thought. Yet as deliberate hot provocations were ineffective, Burke's personifications were Burke's use throughout his speeches of emotionally "loaded" words. A favorite phrase, for example, was the oft-used assertion of Southern "charities, virtues, and wisdom." Other frequently used words were "evil plunders," "disgraces," "great robbery," "treason," "ruin and dishonor," and "fires of instruction." There was political form, too, in Burke's regular mention of the founding fathers, of famous South Carolinians, and of landmarks in South Carolina history. Perhaps Burke was not as forceful as the times would have permitted, but the violence of his ideas combined with the strong emotional overtones of his language was like the epithets "treacherous," "slaves," "lawless scoundrels," and "fire-eaters."

Thus, Burke's 1861 biographer seems accurate enough when he said that Burke "was eminently logical and impassioned, appealing at the same time to both the reason and feelings." That the "man was ever forgotten in his subject" is difficult of demonstration. Yet, that "the speaker appeared the living embodiment of the thoughts he uttered,"²⁵ largely accounts for the type of effectiveness which Burke had. He was the "living embodiment" of a conviction, a hopelessness, and a violence

²⁵New York Frank Leslie's Illustrated Newspaper, Feb. 7, 1861.

with few of his listeners were ready to accept such conclusions suggested to him. All other acceptable alternatives were impossible of accomplishment.

Insofar as actual tests of his speeches can be relied upon as accurate representations of his speaking style, Smith's compositional techniques--as well as his ideas and order of proof--were consistent with the general impressions he seems to have made on his listeners.

Smith consistently followed a classical pattern of organization for his speeches. He may have learned this arrangement from Hugh Blair, whose lectures he apparently studied at Bowdoin College;³⁶ or he may have learned it, of course, by reading the ancient treatises or other English works on rhetoric. At any rate, he almost invariably followed Blair's six divisions of an oration as outlined in lectures XIII and XXII:

First, the Exordium or Introduction; secondly, the Prose, and the Division of the Subjects; thirdly, Narration or Exposition; fourthly, the Reasoning or Argument; fifthly, the Peroration; Partly and lastly, the Conclusion.³⁷

Sometimes he did, however, vary the arrangement and sub-divisions; for example, in legislative speaking he occasionally omitted the Introduction. Thus, Smith showed an apparent awareness of Blair's recommendation for variety in speech organization as a means of avoiding an

³⁶Hugh Blair, "Lectures" was in the curriculum for the fifth year and "Bacon's [sic] Elements of Oratoria" for the sixth. "Journal of the College of Bowdoin," 33.

³⁷Hugh Blair, Lectures on Rhetoric and Belles Lettres (Philadelphia, 1781), 28-29.

appearance of being "pulsative and stiff."³⁸ Yet, Davis's almost regular adherence to a set plan of organization must have contributed to the general impression of his rigidity of character.

Other habits of style exhibited by his speeches probably contributed more. Though both White and Phillips correctly observed that Davis's language was more simple and less florid after his first years in politics,³⁹ he always showed a strong penchant for polysyllabic and latinate words and constructions, complex sentences. Especially in re-
 porters' versions of his speeches, however, he pompously varied sentence length by use of many short, crisp, simple sentences; speeches which he prepared for publication "small of 128" far more than the few facts and examples culled from Webster's transcripts. Whether his variations in sentence construction, the important consideration is that Davis's speeches all reveal a characteristically regular, rapid, electric rhythm. That effect was produced in both short and long sentences by short phrases and frequent punctuation breaks. Frequent barrages of terse rhetorical questions intensified the rapid-fire impression. His brevity and readiness must have laid the basis of an agile mind supported by a strong will and a reliable personality.

Both these and reactions to Davis's stylistic habits were confirmed by his outrageous and frequently cited figures of speech. All of his life he seemed to be carried away by his own imagery to such an

³⁸Ibid., 390.

³⁹Phillips thought that "by 1835 he had settled into his tone as well as his manner." "The Free-States," Ibid., 413-4, 420.

artist that he frequently combined with altogether original images. Thus it is in his career he could talk in the same paragraph of "ill-fated emancipation," "fires of destruction," the "blackest" of the South, a "shield of . . . protection," and "the instinct of ignorance and error and fear, which now like a foul, dead skin upon her brow."⁴⁰

Perhaps more striking than his legislative habits was Lincoln's delivery. Of noteworthy significance in his platform career was his appearance. Again the most detailed description by a contemporary comes to be the one contained in the 1861 sketch:

In personal appearance, though not decidedly handsome, Mr. North had good features and that indescribable air of high breeding and intellect which renders a man dignified. His feet in height, his figure, though slight, was well proportioned and erect, with good shoulders, narrow hips and straight, well-made legs, small feet and soft white hands. His head was of moderate size, yet it was full and round, physiologically developing much power, and setting off his figure from a spectralized host of scientific length.⁴¹

His daughter described him as "tall, somewhat florid, blue-gray eyes, brown hair, rather small mouth, with beautiful teeth, & a charming smile; a very finely shaped head, six feet in height [5'10"].⁴² Two photographs, one published in 1861⁴³ and the other apparently more later,⁴⁴ came to corroborate these descriptions. At the time of the

⁴⁰See the Oremastine speech above.

⁴¹See Frank Leslie's Illustrated Newspaper, Feb. 9, 1861.

⁴²Ellen North Lewis, "A Few Personal Notes From the Hon. Robert Marshall North," North Papers (Charleston).

⁴³See Frank Leslie's Illustrated Newspaper, Feb. 9, 1861.

⁴⁴North Papers (Charleston).

pictures that we almost completely bald with sandy gray hair on the sides almost covering his ears. His long oval face, decorated with well grown and pointed side whiskers but no mustache, had a stern and proud but compassionate demeanor. Owing to the newspaper misinterpretation, he may well have been considered by many to be "intensely handsome."⁴⁵

There is only fragmentary information about Thatt's platform manner. According to the 1881 sketch, "In speaking, his attitude was erect, earnest and dignified; with rapid utterance, his voice was soft, high, clear and soothing. He never became hoarse from speaking. . . . But there was never anything theatrical in his manner."⁴⁶ During the 1881 controversy in the Senate between Thatt and Foster, the *Washington* again commented on Thatt's speaking: "We admire Foster with that magnificent voice of his, and in that imposing theatrical manner which has given him so much distinction as a public speaker. . . ."⁴⁷ In addition to the many comments by John Quincy Adams on Thatt's modest manner and rapid rate of speaking, the *Washington Evening* considered him such a "fluent and very rapid speaker, it was not to be expected that any stenographer here could take him down correctly, when the look at Washington followed him with difficulty and rarely with success."⁴⁸ Furthermore, the rhythm of Thatt's writing seems to have been adapted

⁴⁵*New York French Institute's Illustrated Magazine*, Feb. 7, 1881.

⁴⁶*Ann. Hist.*, 2d Ser., 1 Ser., *Appendix*, 66.

⁴⁷*Washington Daily Evening*, July 7, 1883.

to a very rapid rate of speaking. Thackeray seems to have left no information on other aspects of his delivery. Apparently, from his custom of frequently engaging in legislative debate on the spot at the moment and writing out his remarks later for publication, Thackeray rarely spoke extemporaneously. But there are no indications of the extent to which he used notes or manuscripts. His self-confidence, the rigors of a busy political life, his impetuous nature, and generally careless compositional habits combine to support a conclusion that he probably did not so much consciously craft his speeches and commit them to memory or read them from manuscript.

There are notable exceptions, however, to the apparently hastily written nature of speeches and addresses which Thackeray published. Among these are his 1858 address in Charleston declaring himself a secessionist after returning from the Nashville Convention, and the address to the slaveholding states from the secession convention of South Carolina. But most outstanding among all of Thackeray's published speeches is compositional technique, scope of content, and originality of approach in the eulogy of Adams. Although the Ordenville speech has been accorded fame by historians because of its narrative and detailed analysis of the events of secession, the 1858 eulogy is a far more significant speech from the viewpoint of the rhetorician. In fact, the speech on Adams makes a distinct contribution to rhetorical literature in that it is a model of a type of eulogy which was neither described in speech literature nor practiced by his contemporaries. Thus, Thackeray may have been one of the first persons to realize that a most effective type

of ecology is one which concentrates upon the ideas and ideals represented by the persons being honored.

In general, Robert Marshall Keith—though not deserving of the neglect accorded him by most histories of ecology and some histories of politics—belongs to the category of the near great. He doubt he had the intellectual capacity, the energy, the vision, and the integrity to have achieved greatness in both politics and ecology. Yet, aware that the needs of the New Environmental Movement for the future he lived, and believing the function of both politics and ecology to be leadership, Keith urged his people to and farther than they were attracted by social forces. His stubborn insistence that the South lead his country, plus his own natural exuberance, only hindered his immediate effectiveness. He became discredited as a committed, ambitious, intellectual leader.¹⁸ Despite his popularity with his contemporaries, the consensus seems safe that he would have been considered much greater by both historians and thoughtful critics if the mission of the South had been a successful revolution. The "Father of ecology" might have become "Father of his country."

¹⁸In his afterword, written after the Civil War and entitled "Brief Thoughts on Long Journeys," Keith gave first mention to his own conversion: "There is nothing which our dialect more than converts. . . . In a strong way, convert is weakness; in a weak way, strength." Thus, he believed that "a vicious abolition, is nothing more, than the former step of the whole principle of our nation, to the latest state." This record of Keith's abolitionism contains no comments on speaking except a defense of the constitution of groups as an opportunity to "talk up truth, and talk down error." Keith Papers (Charleston).

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York, 1935.

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United States. New York, 1941.

BIOGRAPHICAL SKETCH

R. Early Herrick was born on June 13, 1908, at Newry, Louisiana. He received the B. A. degree in History and English at Louisiana State University in 1930. After teaching in the public schools of Mandeville and Louisiana from 1930 to 1931, he returned to Louisiana State University for graduate study and received the B. A. degree in Spanish and Political Science in June, 1932. From September to December, 1932, he was an Instructor in Education and Supervisor of Foreign Teaching in Spanish at Louisiana State University. Enlisting in the United States Navy in December, 1932, he was commissioned in July, 1933, and served as a communications officer until January, 1934. During the second semester, 1933-1934, he continued graduate study and held a graduate scholarship in Spanish at Louisiana State University. From 1934 to 1935 he was an assistant Professor of Spanish at the University of Virginia. He was recalled to active duty in September, 1935, and served as a communications officer, United States Navy, until September, 1937. During the session of 1936-1937 he was a Graduate Fellow at the University of Florida. He is currently an Interim Instructor in Spanish and is under appointment as an Interim Assistant Professor of Spanish and Director of the summer English language Institute at the University of Florida. He is a member of The Kappa Alpha and Kappa Phi Kappa Honor Fraternities.

This dissertation was prepared under the direction of the chairman of the candidate's supervisory committee and has been approved by all members of the committee. It was submitted to the Dean of the College of Arts and Sciences and to the Graduate Council and was approved as partial fulfillment of the requirements for the degree of Doctor of Philosophy.

June 7, 1954

L. B. Ryan
Dean, College of Arts and Sciences

Dean, Graduate School

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